

BUNGE LA TANZANIA

MAJADILIANO YA BUNGE

MKUTANO WA KUMI NA MBILI

Kikao cha Tano – Tarehe 2 Septemba, 2013

(Mkutano Ulianza Saa Tatu Asubuhi)

D U A

Naibu Spika (Mhe. Job Y. Ndugai) Alisoma Dua

NAIBU SPIKA: Waheshimiwa Wabunge hiki ni kikao cha tano cha Mkutano wa Kumi na Mbili, Katibu tuendeleo.

MASWALI NA MAJIBU

Na. 52

Madai ya Walimu kwa kila Mkoa

MHE. MARIA I. HEWA aliuliza:-

Madai ya Walimu nchini ni mengi sana na yapo katika ngazi mbalimbali:-

(a) Je, Serikali inadaiwa na walimu kiasi gani kwa kila Mkoa?

(b) Je, ni lini Serikali itafuta madeni hayo?

NAIBU WAZIRI, OFISI YA WAZIRI MKUU, TAWALA ZA MIKOA NA SERIKALI ZA MITAA (ELIMU) alijibu:-

Mheshimiwa Naibu Spika, kwa niaba ya Mheshimiwa Waziri Mkuu, naomba kujibu swali la Mheshimiwa Maria Ibeshi Hewa, Mbunge wa Viti Maalum Mkoa wa Mwanza, lenye sehemu (a) na (b) kama ifuatavyo:-

(a) Mheshimiwa Naibu Spika, mwezi Januari, 2012 Serikali ilitoa shilingi bilioni 19.2 za madai yasiyo ya mishahara na shilingi bilioni 25.6 za malimbikizo ya mishahara kulipa walimu walio katika Mamlaka za Serikali za Mitaa kwa madeni yaliyokuwepo na kuhakikiwa hadi kufikia mwezi Novemba, 2011.

Kati ya Desemba, 2012 hadi Aprili, 2013 regista za madeni ya watumishi wa mikoa yote nchi zinaonyesha walimu 12,245 wana madai yasiyo ya mishahara yanayofikia shilingi bilioni 8.4 ikiwemo shilingi milioni 519.4 kwa walimu wa mkoa wa Mwanza.

Mheshimiwa Naibu Spika, Serikali ililipa madai ya walimu yaliyopo baada ya taratibu za kuhakiki kukamilika. Aidha, mikakati ya Serikali kulipa stahili za madeni ya walimu

na watumishi wengine kupitia Bajeti za Halmashauri husika ikiwemo kwa maeneo ya likizo, uhamisho, masomo na matibabu. Mwaka 2013/2014 Serikali imetenga fedha za uhamisho shilingi bilioni 18.3 ikilinganishwa na fedha shilingi bilioni 13.3 zilizotengwa mwaka wa fedha 2012/2013.

Likizo tumetenga fedha shilingi bilioni 19.3 ikilinganishwa na shilingi bilioni 15.4 zilizotengwa kwa mwaka wa fedha 2012/2013. Waajiri wameelekezwa kupitia waraka wa utumishi namba 1 wa mwaka 2009 kutolimbikiza madeni kwa kuwa na mpango wa likizo na mafunzo kwa watumishi na kufanya uhamisho kwa watumishi kama tu kuna Bajeti ya fedha ya uhamisho.

MHE. MARIA I. HEWA: Mheshimiwa Naibu Spika, nakushukuru kunipa nafasi hii pamoja na majibu mazuri ya Naibu Waziri niongeze maswali mawili ya nyongeza. Walimu ndiyo kila kitu katika uelewa wa binadamu, nina maana ya kuelimishwa katika ngazi zote wanapodai madai yao hasa ya mapunjo katika mishahara yao na upandishwa ngazi kila baada ya miaka mitatu kama ninavyofahamu, lakini wanapanda ngazi bila kulipwa mapunjo yao. Je, katika kauli mbiu ya *Big Results Now* akiwa na mawazo ya fedha na umemwapisha awe na *Big Results Now* hili linawezekana?

La pili, kuna uhakiki wa walimu hawa ambao karibu kila mwaka tunaambiwa kuna kuhakiki huu uhakiki unaisha lini ili walimu hawa waweze kupata haki zao stahili waendane na Big Result Now? (*Makofi*)

NAIBU WAZIRI, OFISI YA WAZIRI MKUU, TAWALA ZA MIKOA NA SERIKALI ZA MITAA (ELIMU): Mheshimiwa Naibu Spika, kwanza suala la malipo yanayotokana na madai ya mapunjo. Ni kweli kwamba tunayo madeni, yanayotokana na malimbikizo mbalimbali ya mishahara na hii ni stahili ya mtumishi kupanda madaraja na kubadilishiwa pia hata ngazi yake ya mshahara kutoka ya awali mpaka mshahara mpya.

Awali tumekuwa na tatizo katika utekelezaji wa uratibu mzima wa kutoka anapobadilishiwa ngazi ya mshahara mpaka ngazi nyingine baada ya kugundua changamoto hii sasa tumeendelea na kubadilisha mfumo huu wa upandishaji wa madaraja na ulipaji wa madaraja yake ili mwalimu anapopanda daraja jipya la ngazi yake ya mshahara mpya ili aweze kulipwa ndani ya kipindi kifupi kuliko ambavyo sasa ilivyo. Na hali hii imeingia pia hata kwenye utaratibu wa sasa wa *Big Result Now* kuwa ni sehemu ambayo tumeiwekea kuwa ni changamoto lazima tuibadilishe hii ili iweze kuendana na mahitaji ya kupata matokeo ya haraka kwa sasa.

Lakini pia swali la pili, uhakiki huu ambao kila siku unatamkwa unaisha lini baada ya kugundua kwamba kunakuwa na mlundikano mkubwa wa madeni na madeni haya yako katika maeneo mawili, ya malimbikizo ya mishahara lakini madeni yale yanayotokana na shughuli za kila uhamisho, likizo, masomo na matibabu eneo hili la mishahara kama ambavyo nimelieleza awali, lililotokana na kuwepo kwa mfumo huu ambalo tutalifanyia utaratibu wa

kubadilisha mfumo wake hili linaenda vizuri katika kufikia hatua ya kuweza kurekebisha.

Lakini eneo la pili, hili ambalo lina madeni haya mengine tumeshaagiza kwenye Halmashauri zote na kwenye idara zote za elimu kwamba lazima paandaliwe register ya madeni mwalimu anapokuja, badala ya kulundika mafaili halafu uje kuhakiki sasa mwalimu anapoleta barua yake anadai kwenye eneo moja hili lazima uhakiki upite pale pale kwa sababu kwenye halmashauri zote sasa zina wakaguzi wa ndani.

Kwa hiyo, tukishakamilisha ile kila baada ya miezi mitatu sasa tunajua halmashauri inadai kiasi gani na jambo hili linazungumzwa kupitia Kamati ile iliyo ndani ya Halmashauri ya watendaji wa menejiment lakini pia inaingia kwenye Kamati ya Fedha huduma za Jamii na baadaye kwenye baraza la Halmashauri ili waweze kulipa huku Baraza likiwa limeshatenga Bajeti kwa ajili ya ulipaji wa madeni ya walimu na watumishi wengine ndani ya Halmshauri.

MHE. CECILIA D. PARESSO: Mheshimiwa Naibu Spika, ahsante, kwa kuwa kuna baadhi ya walimu nchini wana madai mbalimbali na wanashindwa kulipa kutokana na upotevu wa nyaraka za madai ambazo kwa uzembe au vinginevyo imesababishwa na ofisi zote za Halmashauri nchini.

Je, nini kauli ya Serikali kuhusiana na upotevu wa nyaraka hizo na madai hayo ya walimu?

NAIBU WAZIRI, OFISI YA WAZIRI MKUU, TAWALA ZA MIKOA NA SERIKALI ZA MITAA (ELIMU): Mheshimiwa Naibu Spika, nakiri kwamba kulikuwa na tatizo hilo la nyaraka upoteaji wa nyaraka kwenye Halmashauri zetu, utaratibu nilioueleza hapa unaondoa kabisa tatizo la upotevu wa nyaraka wa kwamba pale mtumishi anapoleta madai yake yanasajiliwa moja kwa moja mwalimu huyu ameleta madai haya ya thamani hii na ikishatoka kwenye usajili ule yanaingiwa kwa mkaguzi wa ndani anafanya mapitio.

Kwa hiyo takwimu zake zinaandikwa kutoka siku anapokabidhi jambo lile na kwa hiyo upotevu wa nyaraka hata kama itapotea lakini takwimu kwenye register inakuwa imebaki pale pale na hili litakuwa limekomesha upotevu wa nyaraka kwenye Halmashauri zetu. *(Makofi)*

Na. 53

Usafishaji wa Mji Nchini

MHE. MASOUD ABDALLAH SALIM (K.n.y. MHE. KHALIFA SULEIMAN KHALIFA) aliuliza:-

Je, ni hatua gani zinazochukuliwa na Serikali katika kuisafisha Miji yetu hasa Jiji la Dar es Salaam?

NAIBU WAZIRI, OFISI YA WAZIRI MKUU, TAWALA ZA MIKOA NA SERIKALI ZA MITAA (TAMISEMI) alijibu:-

Mheshimiwa Naibu Spika, kwa niaba ya Mheshimiwa Waziri Mkuu naomba kujibu swali la Mheshimiwa Khalifa Suleiman Khalifa, Mbunge wa Gand, kama ifuatavyo:-

Mheshimiwa Naibu Spika, Halmshauri ya Jiji la Dar es Salaam, pamoja na Manispaa zilizopo zimeendelea kutekeleza malengo ya kuboresha usafi wa mazingira kwa kuzingatia sheria ya mazingira ya mwaka 2004, Sheria ya Afya ya Jamii ya mwaka 2009, Sheria ya Serikali za Mitaa, Mamlaka za Miji namba 8 ya mwaka 1982 kifungu namba 54(A)(g) na sheria ndogo za usafi wa mazingira katika Halmashauri.

Mheshimiwa Naibu Spika, Halmashauri za Jiji la Dar es Salaam katika kuweka Jiji kuwa safi imechukua hatua kama ifuatavyo:-

Kwanza kusimamia wakandarasi wa usafi kufanya kazi zao kwa ufanisi kudhibiti utupaji wa taka hovy katika maeneo ya miji kwa kutumia sheria kulishirikisha wananchi na wadau mbalimbali katika suala la usafi na halmashauri zimeendelea kuwezesha vikundi vya kijamii kwa kuwapatia vifaa vya kuzolea taka kama vile mikokoteni na mafunzo katika suala zima la utunzaji wa mazingira kuanzia katika mitaa, kata na manispaa.

Halmashauri zinaendelea kupendelea maeneo ya mizunguko ya barabara na bustani kushindanisha manispaa zote katika suala la usafi wa mazingira kuanzia ngazi ya mitaa, Kata na Manispaa.

Mheshimiwa Naibu Spika, ili kuongeza ufanisi katika utekelezaji wa jukumu la usafi wa Jiji Halmashauri ya jiji la Dar es Salaam imefanya yafuatayo:-

Imenunua mtambo mpya wa kusukumataka (*buldozer*), imejenga barabara za ndani ya dampo zenye urefu wa kilomita 1.2, imeweka umeme ndani ya dampo na kufanya dampo kupokea taka kwa saa 24 imenunua lori tani 18 la kusomba kifusi na kufukia taka imejenga barabara ya kuingia ndani ya dampo yenye urefu wa kilomita 0.7, limenunua mzani wa kupimia taka katika dampo na imejenga ofisi ya watumishi katika dampo.

MHE. MASOUD ABDALLAH SALIM: Mheshimiwa Naibu Spika, nina maswali mawali ya nyongeza, kama ambavyo Mheshimiwa Naibu Waziri katika majibu yake msingi alivyotueleza kwamba moja ya majukumu ya halmashauri ya jiji la Dar es Salaam kusimamia wakandarasi wa usafi kufanya kazi kwa ufanisi.

Lakini imebainika kwamba wafanyakazi hawa wanalalamika wananung'unika kwa malipo wanayopewa ni madogo sana kiasi ambacho hawawezi kufanya kazi ile ambavyo inatakikana, isipokuwa wanafanya kazi kwa sababu ya umaskini wao angalau kuweza kujikimu.

Je, Serikali kwa ujumla wake ina mpango gani wakuibana halmashauri ya jiji la Dar es Salaam na majiji mengine ili kuweza kuboresha maslahi, malipo ya wafanyakazi wanaozoa zoa taka?

Mheshimiwa Naibu Spika, swali la pili, Mheshimiwa Naibu Waziri alisema pia vifaa vya kutolea taka vimeboreshwa, lakini pia imeabainika kuna baadhi ya wafanyakazi ambao wamepata maradhi kutokana na vifaa hafifu au kutokea kwa vifaa hafifu kutokana na halmashauri kukwepa majukumu yao. nini mkakati wa Serikali ya kuweza kuibana halmashauri ya jiji la Dar es Salaam, juu ya kununua vifaa vya kuweza kuwasaidia wafanyakazi hawa ili wasipata maradhi ya kuambukiza?

NAIBU WAZIRI, OFISI YA WAZIRI MKUU, TAWALA ZA MIKOA NA SERIKALI ZA MITAA (TAMISEMI): Mheshimiwa Naibu Spika, kwanza hapa ni vizuri tukajua kazi za hawa watu wanaofanya kazi hizo. Wako vijana hawa tunawaita jua kali, dunduliza, vijana wale ambao hawana kazi maalum lakini ambao halmashauri zimefika mahali zikaamua kupitia kwa watendaji wetu wa kata wakubaliane kwamba wanaweza wakasaidia nao katika kuondoa hili tatizo la usafi katika Jiji la Dar es Salaam.

Nadhani kama nimemwelewa vizuri Mheshimiwa Mbunge, hapo ndipo anaposema kwamba malipo yale yanayotolewa kwa vijana wale kwa sababu na wao wanatuletea simu wanatupigia ni hapo ndipo anapozungumzia Mheshimiwa Masoud.

Otherwise kama ni mkandarasi kama mkandarasi itakuwa ni suala la kwamba mmeingia katika mkataba umekubaliana kwa hiyo mtakuwa mmefikisha pale. Lalamiko hili analosema Mheshimiwa Mbunge ni la kweli, Mheshimiwa na mimi nitashirikiana nay eye pamoja na wale

walioko Dar es Salaam kwa maana ya watendaji wetu, kuwaambia kwamba tuone kwa sababu kweli kabisa tumepokea malalamiko ya namna hiyo kuhusu vijana hawa ambao wameingia ambao kiasi kinacholipwa ni kidogo sana kwa hiyo inawafupisha moyo na wanakata tamaa. Kwa hiyo, *you have a very valid point* tutashughulikia jambo hilo ili kuona kwamba tunasukumaje.

La pili, kuhusu vifaa ni kweli, Wabunge wote waliopo hapa wanafika Dar es Salaam wanakuta vijana pale mabinti wako wameshika pale hawana *gloves* hawana mabuti, wakati mwingine wanatakiwa kuwa na maski na vitu vingine.

Ni kweli inatokea hiyo na hatuwezi kusimama hapa tukakataa tukasema kwamba si kweli. Maelekezo ya Serikali tulishawahi kupeleka mpaka *circular* tumesema kwamba kwanza ni kinyume cha utaratibu na sheria kwa sababu hapa tunazungumzia afya ya binadamu.

Kwa hiyo, bado nalo hili tunakubaliana nalo tutahimizana, tutaziandikia Halmashauri zetu na huko walipo watusikilize na wala hatumaanishi Dar es Salaam tu ila ni pamoja na Mwanza, Dodoma na wengine wote katika Halmashauri zetu.

Tunawataka vijana wale wanaofanya kazi zile wafanye wakiwa wamevaa vifaa maalum. Wengine wanakwenda kusomba chumba kule, zinaweza zikakata mikono na vitu vingine vya namna hiyo. Kwa hiyo, hili hatuna ubishi nalo tutazingatia ushauri wa Mheshimiwa Mbunge. (*Makofi*)

Na. 54

Kufufua Bwawa la Kijiji cha Muhaji – Njombe

MHE. MHE. MURTAZA A. MANGUNGU (K.n.y. DEO K. SANGA) aliuliza:-

Katika kijiji cha Muhaji Wilayani Njombe, kuna Bwawa zuri sana ambalo lilikuwa na samaki waliokuwa wanatumia na wananchi na sasa Bwawa hilo limejaa matope na magugu na samaki wametoweka:-

Je, Serikali itashughulikia lini Bwawa hilo ili wananchi wa Njombe waendeleo kupata samaki kama zamani?

NAIBU WAZIRI, OFISI YA WAZIRI MKUU, TAWALA ZA MIKOA NA SERIKALI ZA MITAA (TAMISEMI) alijibu:-

Mheshimiwa Naibu Spika, kwa niaba ya Mheshimiwa Waziri Mkuu, naomba kujibu swali la Mheshimiwa Deo Kasenyenda Sanga, Mbunge wa Njombe Kaskazini, kama ifuatavyo:-

Mheshimiwa Naibu Spika, nakubaliana na Mheshimiwa Mbunge juu ya kuendelea kupungua kwa maji katika Bwawa la Lihogosa linazungukwa na vijiji vya Muhaji, Lusingu na Igima, pamoja na shamba la chai la Kibena, yaani *Kibena Tea Limited*.

Kupungua kwa maji katika bwawa hilo kumesababishwa na kuota kwa magungu na hivyo kusababisha kupungua kwa kiasi kikubwa cha samaki ambao walikuwa wakivuliwa na kuwanufaisha kiuchumi wananchi wa vijiji ambavyo vinalizunguka Bwawa hilo.

Mheshimiwa Naibu Spika, kupungua kwa maji katika Bwawa la Lihogosa kumechangiwa na vitu vingi, ikiwemo mabadiliko ya tabia ya nchi, ambayo kwa namna moja au nyingine yamesababisha kupungua kwa maji au kukauka kabisa kwa baadhi ya vyanzo vya maji katika maeneo mbalimbali ya nchi yetu, ikiwemo Bwawa la Lihogosa.

Matumizi makubwa yasiyo endelevu ya rasilimali ya maji kwa ajili ya umwagiliaji wa mashamba ya chai ya Kibena yaani *Kibena Tea Limited* yasiyoenda sambamba na ujazo wa maji yaliyopo na yanayotakiwa kuwepo katika Bwawa husika na kutokea mikondo mingi ya chini ya maji *underground distributaries* kwa upande wa Kusini mwa Bwawa hilo kunakosababisha kupotea kwa maji mengi kutoka Bwawani mbali ya ukingo wa ukuta uliojengwa katika eneo hilo.

Mheshimiwa Naibu Spika, ili kurekebisha hali hiyo, Serikali imeingiza Bwawa la Lihogosa katika Mpango wa Maendeleo wa Wilaya (*District Development Plan*) na hivyo kuliwezesha kuwekewa mikakati madhubuti ya Uhifadhi na Usimamizi kupitia Mradi wa Hifadhi ya Ardhioevu (*Sustainable Wetlands Management*) kwa kushirikiana na jamii zinazoishi katika vijiji vinavyolizunguka Bwawa tajwa.

Bwawa la Lihogosa limewekewa alama za mipaka kwa mujibu wa Sheria ya Mazingira Na. 20 kifungu cha 57 sehemu ya 1 ya mwaka 2004 na kupandwa miti rafiki ya maji aina ya Mivengi, ikiwa njia moja wapo katika kudhibiti shughuli za kijamii zisizo endelevu ikiwemo kilimo cha mabondeni, kuunda jumuiya ya watumiaji wa maji ya Mbumtiluu, Mkubwa, Mtiitafu na Lumbizi ambayo ina jukumu la kusimamia rasilimali hii muhimu ya maji kwa uwiano uliokuwa sawa na wadau wa eneo husika.

Mheshimiwa Naibu Spika, Bwawa hili limeingizwa katika mpango mkakati wa maendeleo ya Wilaya ya Halmashauri mpya wa Wang'ing'ombe ambayo ndiyo wasimamizi wa Bwawa hilo.

Halmashauri itatenga fedha katika Bajeti yake ya mwaka 2014/2015, ili kurekebisha mapungufu yaliyojitokeza na kuufanya mradi kuwa endelevu. Aidha, Halmashauri itendelea kushirikiana na Kampuni ya chai ya Kibena ambayo ndiyo watumiaji wakuu wa Bwawa hilo pamoja na wadau mbalimbali wa mendeleo wa ndani na nje ya Wilaya hiyo.

MHE. MURTAZA A. MANGUNGU: Mheshimiwa Naibu Spika, upotevu wa hali ya asilia ya Bwawa hili umekuwa ni jambo la dharura, na Mheshimiwa Waziri unasema kwamba mpaka ifike 2014/2015. Nini mpango wa Serikali katika jitihada za dharura kuokoa Bwawa hili ambalo lilikuwa linasaidia sana wakazi wa maeneo haya ya Njombe?

NAIBU WAZIRI, OFISI YA WAZIRI MKUU, TAWALA ZA MIKOA NA SERIKALI NA SERIKALI ZA MITAA, (TAMISEMI): Mheshimiwa Naibu Spika, anachosema hapa ni kweli kwamba, jambo hili limekuwa ni dharura lakini nilitaka nieleze kwamba, tatizo la msingi lililoko pale ni nini?

Ukisema hili ni Bwawa lazima utuambie Bwawa hili ni kwa ajili ya samaki au Bwawa hili kwa ajili ya kumwagilia. Kwa sababu, kama utasema tu ni kwa ajili ya samaki na kumwagilia humo humo, *then* huu ni mgongano mkubwa. Ukitaka kutatua tatizo, tatua tatizo la msingi kwanza na ndicho ninachozungumza hapa.

Kama hili halitakubiliwa, hili swali litaendelea kuulizwa milele na milele, litakuja litakuwa linaulizwa hapa. Tumezungumza na Halmashauri, hapa tumezungumza habari ya Kibena, tumezungumza kuwa, swali linaloulizwa hapa linahusu samaki katika bwawa, lakini mulemule ndani *Kibena Ltd.* wanachota maji humo. *Technically* unaweza ukasema maji yakifika katika level hii, zuia yasiendeleo kutolewa ili samaki wapone. *Suppose* wanakwenda pale wanafanya hivyo, halafu usiku mtu anakwenda pale anam-*bribe* mlinzi anafungua maji, samaki wataruka tu pale na utawaona wanaruka na watakufa.

Lazima tufike mahali ambapo tuta-*coordinate*, hapa naulizwa na Mheshimiwa Mangungu, mpango gani umewekwa hapa? Umewekwa mpango hapa wa upembuzi yakinifu, ili jambo siyo jambo dogo sana, ambapo tumeweka shilingi milioni 75, ambapo tutaenda

kukaa na Kibena *Ltd*, ambao ndiyo wadau muhimu wakazungumzia tatizo hilo.

Hii naisema kwa sauti ili Sanga huko aliko naye asikie, ajue hiki tunachozungumza. Tukakae wote kwa pamoja tuzungumze, tunataka samaki au tunataka chai? Ili tuwekane sawa, tukisema tunataka chai, tunasema *okay*, zuia habari ya samaki na achana nawo.

Kwa maoni yetu, kama Ofisi ya Waziri Mkuu, Tawala za Mikoa na Serikali za Mitaa, ipo haja ya ku-*review* upya jambo hili, ili tuweze kujua kwamba, katika jambo hili kipaumbele kitawekwa wapi, lakini kwa sasa hivi kama alivyosema Mheshimiwa Naibu Spika, tumewaagiza wenzetu wote watakutana na tutakwenda kushughulikia jambo hili kama anavyoelekeza Mheshimiwa Mangungu.

MHE. PROF. KULIKOYELA KANALWANDA KAHIGI:
Mheshimiwa Naibu Spika, naomba nianze kwa kufanya masahihisho kidogo, lakini haya masahihisho hayataathiri maudhui. Kwenye aya ya kwanza, kuna neno ambalo limekosewa, linapaswa kuwa hayajaendelea, lile neno ambalo linasomeka kiajabu ajabu. Kwenye aya ya pili, sehemu ya mwisho ya swali inaonyesha swali lenyewe liliulizwa lini, liliulizwa mwaka juzi 2011 na linajibiwa leo.

Kwa hiyo, hiyo sehemu ya mwisho haipo na nilishasahihisha haya lakini kwa sababu ambazo sizielewi, masahihisho haya hayakuigingizwa. Hivyo, swali linaishia pale kwenye, (vijiji vinapata maji safi na salama?) hiyo katika kipindi cha miaka mitano, haipo tena. Baada ya

marekebisho hayo, naomba sasa swali langu Namba 55 lijibiwe.

NAIBU SPIKA: Majibu ya swali hilo, bado tuko Ofisi ya Waziri Mkuu, marekebisho haya hayabadilishi maudhui ya swali.

Na. 55

Tatizo la Maji Bukombe

MHE. PROF. KULIKOYELA KANALWANDA KAHIGI aliuliza:-

Tatizo kubwa linalowakera wananchi vijijini na mijini katika maeneo ambayo hayajaendelea kama Bukombe ni maji.

Je, Serikali ina mpango gani wa kuhakikisha Wananchi wa Bukombe katika Miji midogo na vijiji wanapata Maji Safi na Salama?

NAIBU WAZIRI, OFISI YA WAZIRI MKUU, TAWALA ZA MIKOA NA SERIKALI NA SERIKALI ZA MITAA, (TAMISEMI) alijibu:-

Mheshimiwa Naibu Spika, upatikanaji wa maji katika Wilaya za Bukombe na Mbogwe kwa wakazi 525,746 umefika 52% mwezi Julai, 2013 toka 40% ya Desemba, 2011 kwa vijijini.

Ongezeko hili kwa kiasi kikubwa limechangiwa na utekelezaji wa *program* ya Maji Vijijini na Usafi wa Mazingira (*RWSSP*). Ifikapo mwezi Desemba 2013, inakadiriwa kuwa 60% ya wakazi wa maeneo ya vijijini watakuwa wanapata maji safi na salama chini ya *program* ya tekeleza sasa kwa matokeo makubwa yaani *BIG RESULT NOW*. Vituo vya kuchotea maji kwenye miradi ya Masumbwe (26), Bulugala (10), Bulega (12), Bukombe (8), Lulembela (8) na Shenda (9) vitaongezwa kutoka 63 vya sasa hadi kufikia 90 kwenye miradi hii.

Miradi inayoanza kujengwa kwenye vijiji vya Ikizu (10), Ibambilo (5) na Uyovu (19) na kufika jumla ya vituo yaani hizo *Domestic Point* 109. Vinaitwa Vilula na hii itaingizwa katika *program* hii ambayo nimemaliza kuizungumzia.

Mheshimiwa Naibu Spika, katika mwaka wa fedha 2012/2013, Halmashauri ya Wilaya ya Bukombe kwa ajili ya mji wa Ushirombo ilitenga shilingi 100,000,000/- kwa ajili ya kujenga tenki la ukubwa wa lita za ujazo 90,000 katika Mamlaka ya Mji Mdogo Ushirombo. Kununua jenereta, pampu ambayo inazamishwa chini ardhi, yaani *submersible machine* ili kujenga nyumba ya jenereta, vioski viwili na kulaza mabomba ya kutawanya maji yenye urefu wa kilometa 1.5 pamoja na kuyaunganisha kwenye mtandao wa zamani ili kuboresha mfumo wa maji katika mji wa Ushirombo, kazi hizi bado zinaendelea.

Aidha, shilingi milioni 50 zimetengwa katika mwaka wa fedha 2013/2014 kwa ajili ya kukamilisha kazi hizo.

Mheshimiwa Naibu Spika, ili kukabiliana na tatizo la maji katika Halmashauri ya Wilaya ya Bukombe, kwa mwaka wa fedha 2012/2013, imetengwa shilingi 589,491,426 ambazo zilitolewa zote kwa pamoja na nyongeza ya shilingi 101,361,170 kwa ajili ya utekelezaji wa miradi ya maji.

Aidha, katika mwaka 2013/2014, Halmashauri hiyo imeidhinishiwa shilingi 1,083, 433, 838 kwa ajili ya kujenga na kukarabati miundombinu ya maji.

MHE. PROF. KULIKOYELA KANALWANDA KAHIGI: Naibu Waziri amesema kwamba, upatikanaji wa maji safi na salama Bukombe umefikia 52%.

Je, takwimu hizi zimepatikanaje ili hali kila tuendako watu wanalalamika maji maji, katika shule karibu zote za msingi hakuna maji, katika shule karibu zote za Sekondari hakuna maji.

Katika vijiji vingi kwa sababu kule kuna vijiji zaidi ya 70. Katika vijiji vingi hakuna maji na vijiji vilivyotajwa hapa ni vichache sana. Takwimu hizi za 52% zimepatikanaje?

Swali la pili, hii miradi aliyoitaja hapa ya Masumbwe, Ulugala, Shenda hii ni ya Wilaya ya Mbongwe na siyo Bukombe. Bukombe kuna Ihame, I lembela Bunane na Bulega 12 na vioski vya Bulega hata juzi lilikuwa ni Swali, havijaanza kutumika.

Je, hii miradi yote hii pamoja na miradi ya kulaza mabomba mji mdogo wa Ushirombo na Mji mdogo wa Uyovu itakamilika lini?

NAIBU WAZIRI, OFISI YA WAZIRI MKUU, TAWALA ZA MIKOA NA SERIKALI NA SERIKALI ZA MITAA, (TAMISEMI): Mheshimiwa Naibu Spika, mimi nataka niwe mwangalifu hapa. Ushirombo inayozungumzwa hapa siyo kwamba nimekwenda mara moja, nilishakwenda Ushirombo karibu mara mbili.

Wakati wa *Professor* sijafika pale. Ushirombo ni mahali ambapo ni *vibrant* kuliko hata Kibaigwa. Najua unachozungumza hapa na ninaelewa kwamba, *data* hizi nimezipata wapi, wala hiyo isihangaishe kichwa chako kwa maana, mimi nimezungumza na Ushirombo yenyewe, tumenzugumza na akina Liliani wenyewe na *Engineer* wa Maji, katupa takwimu hizi.

Okay, good talk, inawezekana kabisa kwamba ame-*estimate* vibaya hakuweka vizuri. *The bottom line is* hapa tunapozungumza habari ya *Big results*, tunazungumza habari ya shilingi bilioni moja na milioni themanini na tatu ambazo tumekwenda tumeweka kwenye Bajeti hii tunayozungumza hapa. Unaweza ukasema kwamba habari hizi unazotueleza hazina maana.

Tumekwenda pale tumepeleka shilingi milioni 583, tukaongeza nje ya Bajeti shilingi milioni 101 tukapeleka Ushirombo. Kama inaonekana kwamba, *data* hizi siyo sahihi, je jitahada nazo za kupeleka pale siyo sahihi?

Okay, kunazungumzwa hapa kwamba, Mbogwe ni Halmashauri mpya na ni Wilaya mpya, ni kweli. Tumwulize *Professor* hapa, hata Mkurugenzi mtendaji mwenyewe wa Mbogwe hajaondoka na Mheshimiwa Masele yuko hapa anaweza akanisaidia katika jambo hili, hajaenda kule.

Halmashauri zote mpya mpaka sasa hivi tunavyozungumza kwenye kipindi cha mpito zinasimamiwa na Halmashauri mama. Hata mishahara na shughuli nyingine na hela hizi zilizokwenda pale, zote ziko chini ya Halmashauri mama. Ndiyo maana Mheshimiwa unapona natoa hizi takwimu hapa nazitoa nikitaja hapa nataja Bukombe na Mbogwe kwa maana ya kuwa shughuli zote za kiutawala zinaenadelea pale.

Naelewa *concern* yako, nimalizie, anachotaka tutenganishe kwa sababu Halmashauri mama kwa kawaida zina tabia ya kuonea hizi Halmashauri hizi ndogo. Mimi nataka niseme kuwa kama hii hali inajitokeza pale, tutakwenda kumshauri Mheshimiwa Waziri Mkuu, tumchukue sisi hapa Mkurugenzi aliyepo Bukombe tumpeleke huko kupya halafu yule mwingine achukuliwe apelikwe hapo kwa sasa.

NAIBU SPIKA: Ahsante sana Waheshimiwa Wabunge, maswali kwa Waziri Mkuu yamechukua nusu saa, kwa sababu ya muda mtuwie radhi kidogo, ila Bukombe haiwezi kulingana na Kibaigwa hata siku moja. Ofisi ya Mheshimiwa Rais Manajementi ya Utumishi wa Umma, swali la Mheshimiwa Modestus D. Kilufi.

Na. 56

Kuboresha Maslahi ya Walimu, Waganga na Manesi

MHE. CHARLES J. MWIJAGE (K.n.y. MHESHIMIWA MODESTUS D. KILUFI) aliuliza:-

Kazi zinazofanywa na Walimu, Waganga na Manesi ni ngumu sana na zinahitaji kujitoa:-

Je, Serikali ipo tayari kuboresha maslahi ya Kada hizo na kutoa posho maalumu kwa kundi hilo?

WAZIRI WA KAZI NA AJIRA (K.n.y. WAZIRI WA NCHI, OFISI YA RAIS, MENEJIMENTI YA UTUMISHI WA UMMA) alijibu:-

Mheshimiwa Naibu Spika, malipo ya Mishahara na Motisha kwa watumishi wa Umma hufanyika kwa kuzingatia misingi ya sera ya malipo ya mishahara na motisha katika Utumishi wa Umma inayoelekeza kujuimusha katika mishahara malipo ya posho zisizo za matukio, yaani (*Non Incidental Allowances*).

Mheshimiwa Naibu Spika, kwa kutambua na kuthamini mchango wa Kada za Walimu, waganga na Wauguzi, Serikali imekuwa ikiboresha maslahi yao kwa kiwango kikubwa ikilinganishwa na watumishi wengine. Kwa mfano, mwaka 2004/2005 mishahara ya manesi na walimu ilikuwa sawa na watumishi wa kada nyingine. Hata hivyo, tangu mwaka huo 2004/2005 hadi 2013/2014 Serikali imeendelea

kuboresha zaidi mishahara ya kada za walimu, waganga na manesi ikilinganishwa na kada nyingine Serikalini.

Mheshimiwa Naibu Spika, takwimu zinaonyesha kuwa wakati wa mwaka 2005, mwalimu wa Daraja la IIIA alianza na mshahara wa shilingi 74,570 kwa sasa mwalimu wa daraja hilo anaanza na mshahara wa Sh. 296,000/= kwa mwezi ambalo ni ongezeko la asilimia 296.9.

Mwalimu mwenye stahhada yaani *Diploma* alikuwa anaanza na mshahara wa Sh. 108,800/=, ambapo sasa anaanza na Sh. 432,500/= kwa mwezi, ambalo ni ongezeko la asilimia 297.5.

Aidha, takwimu zinaonyesha kuwa mwaka 2005 mwalimu mwenye shahada yaani *Degree* alianza kazi na mshahara wa Sh. 140,000/= na sasa mshahara wake ni Sh. 589,000/= kwa mwezi sawa na ongezeko la asilimia 320.7.

Mheshimiwa Naibu Spika, takwimu zinaonyesha kuwa mishahara ya Madkatari na Wauguzi imekuwa ikiongezeka kwa kiasi kikubwa zaidi kuliko watumishi wengine. Kwa mfano, kati ya mwaka 2006/2007 na 2013/2014 mishahara ya kuanzia kazi kwa watumishi wengine wenye *degree* iliongezeka kutoka Sh. 230,420/= hadi kufikia Sh. 567,000/= kwa mwezi, wakati mishahara ya Madaktari iliongezeka kutoka shilingi 524,950 hadi kufikia Sh. 1,192,000/= kwa mwezi.

Mheshimiwa Naibu Spika, Serikali itaendelea kuboresha mishahara na marupurupu mengine kwa kuzingatia sera ya

malipo ya mishahara na motisha kwa watumishi wa Umma na kwa kuzingatia uwezo wa Taifa kiuchumi. (*Makofi*)

MHE. CHARLES J. MWIJAGE: Mheshimiwa Naibu Spika, majibu ya Mheshimiwa Waziri yanatuonyesha mapungufu ya takwimu. Mshahara wa mwalimu Daraja A. umeongezeka kwa asilimia 296, utazona ni nyingi. Hoja ya mwuliza swali ilikuwa inazungumzia shilingi 296,000 anazolipwa mwalimu kwamba ni ndogo.

Mheshimiwa Waziri, kwa matokeo makubwa sasa, huoni kwamba kuna haja ya kuongeza kiasi hiki kusudi mwalimu aliyepewa shilingi 296 akaanze kazi kule Lutoro wakati kwao ni Lindi haziwezi kuleta tija? (*Makofi*)

Swali la pili, mwuliza swali alizungumzia posho na katika majibu yote, swali la posho halikusisitizwa. Huoni kwamba huyu mtu anayeokoa akili na anayeokoa roho. Kwa sababu daktari anaokoa mwili na mwalimu anaokoa akili. Huoni kwamba hawa watu wanahitaji posho maalum katika matokeo makubwa ili tuweze kuchupa? (*Makofi*)

NAIBU SPIKA: Mheshimiwa Waziri tunaomba majibu katika haya maswali muhimu sana kuhusu Utumishi wa Umma, Mheshimiwa Waziri wa Kazi ndiyo mahali pake hapo.

WAZIRI WA KAZI NA AJIRA: Mheshimiwa Naibu Spika, ni kweli nakubaliana na yeye kwamba, shilingi 296,000 ambazo aliongezwa mwalimu wa Daraja IIIA na mishahara yote niliyoitaja bado haitoshi.

Pia, hata shilingi milioni 1 au hata zingekuwa shilingi milioni tatu bado hazitoshi. Tunachozingatia kwanza ni uwezo wa Serikali kiuchumi, tumetamka hapa kwamba kadiri uwezo wa Serikali unavyoongezeka kiuchumi mishahara hii itaongezeka na itaendelea kuongezeka kila mara kama ilivyokuwa ikitokea.

Mheshimiwa Naibu Spika, suala la posho, tumesema katika sera hiyo ya malipo ya mishahara na posho kwa watumishi wa Umma; posho nyingi ambazo siyo *incidentals* zinaongezwa kwenye mishahara, hii maana yake ni kwamba, ziweze kusaidia wakati wa kulipa *pension* za mwisho.

Posho zile ambazo ni mazingira magumu, tayari tumeshaongea na Halmashauri, ziweke mikakati ya kulipa posho hizi kulingana na mazingira magumu katika kila Wilaya ambayo yanatofautiana. Mazingira magumu kwa mfano, kutokuwa na huduma za jamii, hakuna maji na hakuna vitendea kazi.

Mheshimiwa Naibu Spika, Halmashauri mbalimbali zimebuni taratibu kutokana na vyanzo vyake ili waweze kuwapa Watumishi wao posho kama zinavyofanya Halmashauri za Mikoa mingine.

Kwa mfano za Wilaya za Mkoa wa Rukwa. Kwa kweli zimebuni taratibu ambazo Walimu wapya wakiripoti tu, wanapewa fedha na wanapewa vyombo vya chakula, pamoja na Vitanda na Magodoro. Hii ni motisha kuwasaidia

waweze kwenda katika mazingira hayo, lakini kuna Wilaya nyingi pia ambazo zimebuni.

Kwa hiyo, tunashauri, pamoja na Serikali kuu ambayo itatenga fedha kwa ajili ya mazingira magumu na posho hizi, Halmashauri zijitahidi kwa kweli kutumia *own source* kuwasaidia Walimu ambao wanafanya kazi katika mazingira magumu.

NAIBU SPIKA: Mheshimiwa Diana M. Chilolo, nimekuona, swali fupi sana la nyongeza.

MHE. DIANA M. CHILOLO: Mheshimiwa Naibu Spika, ahsante sana, kwa kuwa Mheshimiwa Waziri amelinganisha ongezeko Mishahara ya Walimu na Watumishi wengine na kwa kuwa Watumishi wengine wakimaliza kazi wanaacha shughuli zote ofisini wanakwenda nyumbani kufanya shughuli zingine. Walimu wanaondoka na Madaftari ya masomo karibu matano, saba kwenda kusahihisha nyumbani. (*Makofi*)

Bado anaondoka na daftari la maandalio kwenda kuandaa masomo ya kesho nyumbani. (*Makofi*)

Mwalimu halali mpaka saa saba, saa nane usiku. Je, Serikali, kwa nini inakwepa wajibu wa kuona namna ya kuwapa Walimu posho maalumu ili kuwatia moyo kufanya kazi zao. (*Makofi*)

NAIBU SPIKA: Majibu kwa kifupi ya swali hilo la Mheshimiwa Mwalimu Diana Chilolo. Mheshimiwa Waziri wa Kazi na Ajira.

WAZIRI WA KAZI NA AJIRA: Mheshimiwa Naibu Spika, kwa niaba ya Waziri wa Nchi, Ofisi ya Rais Menejiment na Utumishi wa Umma, naomba kujibu swali la nyongeza la Mheshimiwa Mwalimu Mwenzangu, Diana Chilolo kama ifuatavyo:-

Mheshimiwa Naibu Spika, nakubaliana na yeye kwamba Mwalimu anafanya kazi masaa mengi, lakini tukumbuke kwamba si Mwalimu tu, hata Wauguzi, Manesi wanafanya kazi nyingi, wanaitwa usiku, Madaktari, Wanasheria, Maafisa Kilimo, Wagani. Kwa hiyo, tunaposema posho hizi, kwa kweli tunazungumzia posho kwa Watumishi wote wa Serikali na hasa wale ambao wanafanya kazi katika mazingira magumu.

Tunatatambua kazi ya Mwalimu, lakini pia naomba tutambue pia kazi za Watumishi wengine, hasa walio katika mazingira magumu.

Na. 57

Mpango mpya wa Utunzaji Kumbukumbu za Watumishi wa Umma

MHE. HERBERT J. MNTANGI aliuliza:-

Mpango mpya wa utunzaji kumbukumbu za Watumishi wa Umma (*Human Capital Management Information*)

System (HCMIS) umeanza kuwa mafanikio mazuri ingawa kumetokea ucheleweshaji wa upandishaji madaraja kwa baadhi ya Watumishi wengine kwa zaidi ya miaka mitano hadi 10.

(a) Je, Serikali ina mikakati gani ya kurekebisha kasoro hizo ili kuwapa motisha Watumishi?

(b) Kusitishwa kwa muda ajira Serikalini kumechangia kuwepo Watumishi wengi wanaokaribia umri wa kustaafu?

(c) Je, una mpango gani wa dharura wa kuziba pengo hilo kwa kutoa ajira kwa vijana kujaza nafasi za Wastaafu hao?

WAZIRI WA KAZI NA AJIRA (K.n.y. WAZIRI WA NCHI, OFISI YA RAIS MENEJIMENT NA UTUMISHI WA UMMA) alijibu:-

Mheshimiwa Naibu Spika, kwa niaba ya Waziri wa Nchi, Ofisi ya Rais Menejimenti na Utumishi wa Umma, naomba kujibu swali la Mheshimiwa Herbert J. Mntangi, Mbunge wa Muheza kama ifuatavyo:-

Mheshimiwa Naibu Spika, kabla ya kujibu swali la Mheshimiwa Herbert J. Mntangi, napenda kutoa maelezo ya awali kama ifuatavyo:-

Mfumo wa *HCMIS* ni mfumo jumuishi unaotumia teknolojia ya Kompyuta na mtandao katika kukusanya, kukokotoa, kutunza na kuwasilisha taarifa mbalimbali za

Watumishi wa Umma kuhusu masuala ya kiutumishi na mishahara.

Mheshimiwa Naibu Spika, katika kutumia mfumo huu mafanikio yafuatayo yamepatikana:-

Kuharakisha uingizaji wa Watumishi wapya katika orodha ya malipo ya Mshahala ambapo kuanzia mwezi Februari, 2013, jumla ya Watumishi wapya 29,814 wameingizwa kwenye "*Payroll*" ya Serikali;

Kupunguza gharama za usafiri na usafirishaji wa taarifa za kiutumishi na mishahara;

Kuondolewa kwenye *Payroll* Watumishi 34,809 Tangu mfumo huu uanze mwezi Novemba, 2011 hadi Agosti, 2013;

Kuanzia mwezi Novemba, 2011 hadi Agosti, 2013, jumla ya Watumishi 182,353 waliopandishwa vyeo wamerekebishiwa mishahara yao; na

Serikali imeweza kuokoa zaidi ya Shilingi Biloni Nne kwa mwezi ambazo zilikuwa zunalipwa kwa Watumishi hewa.

Mheshimiwa Naibu Spika, baada ya maelezo hayo, naomba kujibu swali kama ifuatavyo:-

(a) Mheshimiwa Naibu Spika, Watumishi hupandishwa vyeo kwa kuzingatia Sera ya Menejimenti na Ajira katika Utumishi wa Umma ya 2007, ambayo inaelekeza kuzingatia sifa zilizoainishwa katika Miundo ya Maendeleo ya Utumishi,

Ikama iliyoidhinishwa, fedha za kulipa mishahara ya vyeo vipya na utendaji mzuri wa kazi.

Upandishwaji vyeo ni maamuzi ya kiutawala na mfumo wa *HCMIS* huhifadhi kumbukumbu za maamuzi hayo. Ili kuepuka Watumishi kukaa katika cheo kimoja, waajiri wanatakiwa kutenga fedha za kutosha katika Bajeti ili kuwapandisha vyeo Watumishi kwa mujibu wa Sera, Sheria, Kanuni na Taratibu za kiutumishi.

(b) Mheshimiwa Naibu Spika, ili kuziba pengo la Watumishi lililosababishwa na Watumishi waliostaafu na wanaotarajia kustaafu, Serikali inatoa ajira kila mwaka. Kwa mfano:-

Mwaka 2010/2011 Serikali iliajiri Watumishi 40,770 ikilinganishwa na Watumishi 7,468 waliostaafu;

Mwaka 2011/2012 Watumishi wapya 35,429 walijajiriwa ikilinganishwa na Watumishi 6,296 waliostaafu katika kipindi hicho; na

Katika mwaka wa fedha 2013/2014 Serikali inatarajia kuajiri Watumishi wapya 61,915, yaani Walimu 33,586, Afya 11,221, Kilimo 1,804, Mifugo 2,500 na wengineo 12,804 ikilinganishwa na Watumishi 7,424 wanaotarajia kustaafu kazi.

Mheshimiwa Naibu Spika, pamoja na hatua hizi, kila Taasisi imeelekezwa kuandaa na kutekeleza mpango wa kurithishana madaraka (*Career Succession Plan*).

MHE. HERBERT J. MNTANGI: Mheshimiwa Naibu Spika, kwanza nikiri kwamba majibu ya swali hili ni ya kisayansi, na ni elimu kwa umma. Hata hivyo, naomba nielekeze swali moja tu katika eneo ambalo lina matatizo bado, na ni katika eneo la kurithishana madaraka.

Je, Wizara itakuwa tayari kusaidiana na maeneo yafuatayo?

Kwanza, Wizara ya Mawasiliano, Sayansi na Teknolojia, kuna Taasisi ya *Atomic Energy*, maombi yao bado hayajafikiriwa.

Vilevile Wizara inayoshughulika na mambo ya Mifugo na Uvuvi, kuna Taasisi moja ya *Marine Parks* pia hawajasaidiwa, lakini na Shirika la Maendeleo ya Petrol *TPDC*.

Sekta hizi zote ni muhimu kitaifa, tunaomba msaada wako kwa Wizara zinazohusika.

WAZIRI WA KAZI NA AJIRA (K.n.y. WAZIRI WA NCHI, OFISI YA RAIS (MENEJIMENT NA UTUMISHI WA UMMA): Mheshimiwa Naibu Spika, kwa niaba ya Waziri wa Nchi, Ofisi ya Rais Menejimenti na Utumishi wa Umma, naomba kujibu swali moja la nyongeza la Mheshimiwa Herbert J. Mntangi, kama ifuatavyo:-

Serikali kupitia Wizara ya Ofisi ya Rais Menejimenti na Utumishi wa Umma, itakuwa tayari kushirikian ana Taasisi

ulizozitaja ili kuona kwamba hii *Succession Plan* inafanyika na inatizimia hatma yake.

NAIBU SPIKA: Mheshimwia Waziri tunakushukuru sana kwa majibu hayo, lakini katika swali la Mheshimiwa Mntangi, kuna ile sehemu ya kwanza ya mkakati wa kurekebisha baadhi ya Watumishi ambao hawajapandishwa madaraja miaka mitano hadi 10. Hili jambo hata kwenye Majimbo yetu lipo, ni tatizo kubwa sana. (*Makofi*)

*It is very frustrating, kwamba mtu amefanya kazi miaka 10, kijana anayetoka chuoni leo, anakuja kulingana naye kwa kila kitu, na mmesimamisha mserereko kupandisha madaraja, na huyu ameshacheleweshwa miaka 10, siyo kosa lake, ameandika barua, amefanya kila kitu. Kama ulivyosema ni maamuzi ya kiutawala, Utawala haumpandishi. Kwa hiyo, mkalitazame, hili katika Utumishi wa Umma ni doa kubwa sana. (*Makofi*)*

Tunaendelea na Wizara ya Fedha, swali linaulizwa na Mheshimiwa Naomi M. Kaihula.

Na. 58

Faida za Uwekezaji wa *NICOL* kwa Wanahisa.

MHE. NAOMI M. KAIHULA aliuliza:-

Mimi napenda kuuliza swali kwa niaba ya waathirika wote wa uwekezaji juu ya *NICOL*, lakini pia nionyeshe masikitiko yangu kwanza, kwa sababu jibu lililokuja si jibu,

kwa kweli angekuwa Shuleni angepata sifuri. Mimi nimeuliza kwamba.... (*Kicheko*)

Kampuni ya Uwekezaji ya Taifa (*NICOL*) iliundwa na wazawa wachache na kupewa nguvu na Serikali na kuwashawishi wananchi kununua Hisa katika Kampuni hiyo:-

Je, Uwekezaji uliofanywa na *NICOL* umewanufaisha kiasi gani wanahisia wake?

Oh, sorry, naomba swali langu namba 58 lijibiwe, ahsante. (*Kicheko*)

NAIBU SPIKA: Jibu linakataliwa kabla ya kujibiwa. (*Makofi/Kicheko*)

Majibu ya swali hilo, Mheshimiwa Naibu Waziri wa Fedha.

NAIBU WAZIRI WA FEDHA (MHE. SAADA MKUYA SALUM) alijibu:-

Mheshimiwa Naibu Spika, kwa niaba ya Mheshimiwa Waziri wa Fedha, naomba kujibu swali Namba 58 la Mheshimiwa Naomi M. Kaihula, Mbunge wa Viti Maalum kama ifuatavyo:-

Kwanza kabla sijaenda kwenye jibu lenyewe, naomba nitoe maelezo kidogo kuhusu Historia ya Kampuni hii ya *NICOL* na matatizo ambayo Wanahisa wake wamepata.

Mheshimiwa Naibu Spika, Kampuni ya *NICOL* ilianzishwa ili kutoa fursa kwa Watanzania kukusanya fedha zao kwa njia ya kununua Hisa za Kampuni hiyo ili fedha hizo ziwekezwe kwenye Vitegauchumi.

Mheshimiwa Naibu Spika, natoa maelezo haya kwa faida ya Wabunge wote kabla hatujaenda kujibu swali lenyewe.

Utaratibu uliotumika wa kupata mtaji unaangukia katika mpango wa Uwekezaji wa Pamoja, yaani *Collective Investment Scheme*, ambao unaratibiwa na Mamlaka ya Masoko ya Mitaji na Dhamana ambayo inajulikana kama *Capital Markets and Securities Authority (CMSA)*.

Mheshimiwa Naibu Spika, baada ya Mamlaka kutorizishwa na utendaji na hali ya kifedha ya *NICOL* mwezi Machi, 2010, iliamuru kusimamishwa kwa Bodi ya Wakurugenzi na Afisa Mtendaji Mkuu ili kufanya uchunguzi wa kina juu ya hali ya kifedha ya Kampuni.

Aidha, Mamlaka pia iliagiza kusimamisha fedha kutolewa kwenye Akaunti zote za *NICOL* kwenye Benki mbalimbali.

Baada ya hatua hizo za Mamlaka, Mwenyekiti wa Bodi pamoja na Afisa Mtendaji Mkuu wa *NICOL* walifungua Shauri Mahakama Kuu kuomba kibali cha kufungua Shauri la kupinga amri ya Mamlaka ya kuisimamisha Bodi pamoja na maelekezo mengine ya Mamlaka.

Mheshimiwa Naibu Spika, Kibali hicho kilitolewa na Walalamikaji walifungua Shauri Namba 16, mwaka 2011.

Wakati Shauri namba 16 linaendelea, baadhi ya Wanahisa wa Kampuni ya *NICOL* yaani kwa upande huu ilikuwa ni mifuko ya Pensheni, waliamua kufungua Shauri Mahakamani kuomba amri ya Mahakama ya kuteua Uongozi wa Mpito ambao utaitisha Mkutano wa Wanahisa wote.

Amri ya Mahakama ilitolewa tarehe 29 Februari, 2012 na Wanahisa walimteua *Interim Manager*.

Aidha, tarehe 6 Machi, 2012, Shauri namba 16 la mwaka 2011 lilitolewa uamuzi, ambapo pamoja na kukubaliana na uamuzi wa Mamlaka, pia Mahakama ilikazia amri yake iliyotolewa mapema kwa Wanahisa, ya tarehe 29 Februari, 2012.

Mheshimiwa Naibu Spika, Bodi imekata rufaa Mahakama ya Rufaa kupinga uamuzi wa Mahakama Kuu kukubaliana na uamuzi wa Mamlaka na pia kupinga amri ya Mahakama Kuu kuwaruhusu Wanahisa, ambao walikuwa ni *Pension Funds*, kuitisha Mkutano wa Wanahisa na kuteua *Interim Manager*.

Mvutano huo umesababisha mambo yafuatayo:-

Ofisi za *NICOL* zilizoko jengo la *Raha Tower* Dar es Salaam zimefunmgwa.

NICOL kutokuwa na Uongozi na Watendaji, na Akauti za *NICOL* kuendelea kuzuiwa.

Sasa jibu la Mheshimiwa Maomi Kaihula.

Mheshimiwa Naibu Spika, kwa mazingira hayo ambayo taarifa yake nimeitoa, taarifa sahihi za faida au vinginevyo, iliyotokana na uwekezaji wa katika *NICOL* itatolewa baada ya Kesi zote zilizoko Mahakani kukamilika na Mahesabu ya *NICOL* kwa kipindi chote ambacho hayajatarishwa yatatarishwe, yakaguliwe na hivyo kuidhinishwa na Wanahisa.

Mheshimiwa Naibu Spika, ahsante.

NAIBU SPIKA: Mheshimiwa Naomi ameridhika na jibu, swali la nyongeza. (*Kicheko*)

MHE. NAOMI M. KAIHULA: Mheshimwia Naibu Spika, ahsante, swali bado sjaridhika, kwa sababu mimi nimeuliza, wamenufaikaje Wanahisa?

Yeye ananieleza habari za mlolongo wa historia, habari za Mahakama, za mambo yatakayokuja.

Swali ni kwamba, hata hiyo Mahakama, si walikwisha kusanya zile fedha na hapa ni kipindi cha muda mrefu, hizo fedha wamepata kiasi gani, na Wanahisa sisi tumenufaikaje? Bado ni pale pale, kwa sababu hao wajanja wachache walikwishakusanya, na wametumia, na

sasa wanaweka mambo ya Mahakama ili kusudi waendeleo kuzitafuna fedha zetu.

Swali la pili, ni kwamba, Je, Serikali kwa kufanya wajibu wake, kwa sababu ilishiriki katika kuhamasisha Wananchi, inawachukulia hatua gani watu wa aina hiyo, maana yake umekuwa ni utamaduni wa kukusanya fedha za wananchi wanyonge, halafu wajanja wakazitumia.

Je, Serikali inaonaje kuwachukulia hatua za kuwafirisi, maana yake ni matajiri. Ahsante. *(Makofi)*

Uzuri wake wanajulikana. *(Makofi/Kicheko)*

NAIBU SPIKA: Mheshimiwa Naomi M. Kaihula, ahsante sana. Majibu ya swali hilo, Naibu Waziri wa Fedha, wanajulikana.

NAIBU WAZIRI WA FEDHA (MHE. SAADA MKUYA SALUM): Mheshimiwa Naibu Spika, kama wanajulikana hatuwezi kuwataja hapa.

Mheshimiwa Naibu Spika, kwa niaba ya Mheshimiwa Waziri wa Fedha, naomba kujibu maswali mawili ya nyongeza ya Mheshimiwa Naomi M. Kaihula, kama ifuatavyo:-

Kuhusu kunufaika kwa Wanahisa, kama nilivyotangulia awali kusema kwamba, hii kesi iko Mahakamani na Mahakama maana yake itakapotoa maamuzi yake, nimesema kwamba mahesabu yatafanywa ili sasa tuweze

kujua faida iliyopo na Wanahisa ambao wamewekeza fedha zao *NICOL* watapata kiasi gani.

Sasa hivi tunaposimama, sisi kama Serikali tunasubiri maamuzi ya Mhimili mwingine ili tuone sasa sisi Serikali tunafanya nini.

Mara baada ya hayo maamuzi, kwa sababu sisi kama Serikali hatuwezi ku-*speed up the process*, hiyo *process* iko Mahakamani, kama wanajulikana, wanajulikana Mahakamani. *We don't have any interference* katika *process* hiyo.

Kwa hiyo, *ruling* yetu kama Serikali sasa tunasubiri uamuzi wa Mahakama, kwa sababu ni Mhimili mwingine, ili tujue sasa sisi tunaingiliaje. Kwa sasa hivi hatuwezi tukasimama hapa Bungeni tukasema Mahakama *you do this, you do that, we know this no, we can not do like that*.

Kwa hiyo, na hilo nalo tunalisubiria katika upande huu.
(*Makofi*)

Mheshimiwa Naibu Spika, lakini Serikali ilifanya wajibu wake, kuwashajihisha Wananchi kuwekeza katika Kampuni ya *NICOL*, *by then*, ukiangalia *analysis* utaona kwamba katika *structure* yote ya *NICOL*, katika mipango ya *NICOL* kwamba, ilionekana kwamba itapata faida, lakini *problem* ni kutokana na Menejimenti ambayo Wanahisa wao wenyewe ndiyo wanahusika katika kuchagua.

Hata hivyo, ni wajibu wa kila mtu ambaye anataka kuwekeza, hata kama Serikali itakuwa inashajihisa Wananchi, lakini yeye mwenyewe awe na *fainantional literacy, Investment literacy* kuweza kuchanganua wapi watu wanapata faida ili kwenda kuwekeza fedha zao.

Kwa hiyo, Serikali ilifanya wajibu wake kwa sababu ilitaka kuwashajihisha wananchi kuwekeza, lakini *problem* ikawa kwenye Menejimenti, kama ilivyokuwa imeonekana na *Capital Markets Securities Authority*, na ndiyo amri hapo ilipotolewa.

Serikali imefanya wajibu wake kuwashajihisha wananchi, lakini *at the same time*, uongozi nao haukuwa vizuri katika kuendesha *operations* nzima za *NICOL*. Kwa hiyo, kwa upande mwingine tusebiri uamuzi wa Mahakama nini kitaendelea na sisi Serikali sasa tuta-*chip in* kuona wajibu wetu katika hilo. (*Makofi*)

NAIBU WAZIRI: Tuhamie Maliasili na Utalii.

Swali la Mheshimiwa Mbarouk Salim Ali, Mbunge wa Wete.

Na. 59

**Hifadhi Zinazoendeshwa kwa Dhana ya
Ushirikishaji Jamii**

MHE. MBAROUK SALIM ALI aliuliza:-

Dhana ya Ushirikishaji Jamii katika usimamizi wa Maliasili Tanzania imeanza kwa kipindi kirefu sana.

Je, ni Hifadhi ngapi za Misitu na Hifadhi za Taifa (*National Parks*) zinazoendeshwa kwa dhana hii ya ushirikishwaji Wananchi.

NAIBU WAZIRI WA MALIASILI NA UTALII alijibu:-

Mheshimiwa Naibu Spika, kwa niaba ya Waziri wa Maliasili na Utalii, naomba kujibu swali la Mheshimiwa Mbarouk Salum Ali, Mbunge wa Wete Pemba, kama ifuatavyo:-

Mheshimiwa Naibu Spika, ni kweli kuwa dhana ya Ushirikishaji Jamii katika Uhifadhi wa Maliasili imeanza muda mrefu. Ushirikishaji huo ni utekelezaji wa Malengo ya Milenia, Mkakati wa Taifa wa Kupunguza Umasikini, Sera ya Misitu na Sera ya Wanyamapori. Lengo la dhana ya ushirikishwaji jamii ni kuiwezesha jamii husika kushiriki kikamilifu katika kulinda rasilimali hizo na kufaidika na matumizi ya Rasilimali za Wanyamapori au Misitu na Nyuki ili kuchangia maendeleo kwa jamii husika.

Mheshimiwa Naibu Spika, hadi Desemba, 2012 jumla ya maeneo ya Jumuiya ya Hifadhi za Wanyamapori zijulikanazo kama *WMASs au Wildlife Management Areas* 38, yameanzishwa katika vijiji 334 nchini kote.

Kati ya maeneo ya *WMA* 38, maeneo ya *WMAs* 19 katika Vijiji 166, yametangazwa kuwa maeneo ya Jumuiya

ya Hifadhi za Wanyamapori na Jumuiya za Jamii zilizoidhinishwa (*19 Authorised Assosiations (AAs)*), ambazo zimepewa haki ya matumizi ya Rasilimali za Wanyamapori (*Wildlife Resources User Right*).

Jumuiya 19 zilizobaki ziko katika hatua mbalimbali kukamilisha mchakato ili ziweze kutangazwa na kupata haki ya matumizi ya Rasilimali za Wanyamapori.

Mheshimiwa Naibu Spika, aidha, kuna jumla ya Hifadhi za Misitu 181 ya Serikali Kuu na Hifadhi ya Misitu 101 ya Serikali za Mitaa inayosimamiwa kwa dhana ya ushirikishaji jamii ambapo jumla ya Vijiji 1,052 vimehusishwa katika Wilaya 65 za Tanzania Bara.

MHE. MBAROUK SALIM ALI: Mheshimiwa Naibu Spika, ahsante sana. Ninashukuru kwa majibu ya Naibu Waziri wa Maliasili na Utalii. Lakini pia ninayo maswali mawili ya nyongeza.

Mheshimiwa Naibu Spika, dhana hii ya ushirikishwaji kama alivyosema Mheshimiwa Naibu Waziri ni dhana ambayo inaiwezesha jamii husika kushiriki kikamilifu katika kulinda Rasilimali hizo na kufaidika na matumizi ya rasilimali za wanyama pori au misitu na nyuki ili kuchangia maendeleo kwa jamii husika.

Mheshimwia Naibu Spika, kuna tatizo kubwa la misitu au rasilimali ambazo zinashirikisha jamii na Serikali kwa makubaliano katika Kuhifadhi. Tatizo inaonekana kuwa Serikali imekuwa na kigugumizi kikubwa cha kukamilisha

taratibu ili wananchi au jamii iweze kuaidika, hasa Misituta ya *JFM*. Nilitaka kujua au kupata up-*dates*.

Je, Serikali imefikia hatua gani kuikamilisha Mikataba hiyo?

Mheshimiwa Naibu Spika, jambo lingine je, Serikali haioni kwamba ucheleweshaji huo unachangia kwa kiasi kikubwa uharibifu wa misitu pamoja na ujangili wa rasilimali hizo?

Mheshimiwa Naibu Spika, ahsante sana. (*Makofi*)

NAIBU WAZIRI WA MALIASILI NA UTALII: Mheshimiwa Naibu Spika, naomba kujibu maswali mawili ya nyongeza ya Mheshimiwa Mbarouk Salim Ali, Mbunge wa Wete Pemba kama hivi ifuatavyo:-

Moja, Serikali inakubaliana naye sana, kwamba dhana ya ushirikishwaji wa jamii ni muhimu na dhana ya kuishirikisha jamii ikishirikiana na Serikali ama Serikali za Mitaa, ama Serikali kuu ndiyo ambayo ianaweze ikatuhakikikishia undelevu na uendelezwaji wa misitu hii. Jambo ambalo kama Serikali ikifanya peke yake hitaweza kufanikiwa.

Kwa mandhari hiyo ningelipenda kusema kwamba taratibu zote ambazo zinaendelea, zinazohusiana na Mikataba kati ya Halmashauri au *Association* za Wanavijiji na Serikali Kuu, tutahakikisha zinakamilika mara moja. Tumeiagiza *Tanzania Forest Service (TFS)* ihakikishe kwamba

inapitia mikataba yote ambayo iko katika mchakato (*pending*) ili iweze kukamilika mara moja.

La pili, nimshukuru sana Mheshimiwa Mbarouk Salim Ali, na nikubaliane naye, kwamba pasipo kuwa na uharaka wa kusimamia hifadhi hizi za Misit, tutakuwa na ongezeko la ujangili ambalo lipo na uharibifu wa misitu mikubwa. Nimalizie tu kwa kumhakikishia Mheshimiwa Mbunge na Bunge lako Tukufu, kwamba Wizara yangu itafanya kila linalowezekana chini ya Taasisi yetu mpya ya *Tanzania Forest Service*, kuwakikishia kwamba haya niliyoyasema yanakamilika. (*Makofi*)

MHE. MCH. PETER S. MSIGWA: Mheshimiwa Naibu Spika, ninakushukuru sana Mheshimiwa Naibu Spika, kwa kunipa nafasi hii.

Mheshimiwa Naibu Spika, pamoja na majibu mazuri ya Mheshimiwa Naibu Waziri, ningelipenda kujua hii dhana nzima ya ushirikishwaji jamii, pamoja na faida kubwa ambazo zinapatikana katika maeneo kama vile ya Mbomipa, na maeneo kadha wa kadha katika nchi yetu.

Je, ni juhudi gani za makusudi ambazo tukizingatia kwamba sasa hivi utalii unahamia *Southern Circuit*, zinazofanyika kwa miji kama ya Iringa Mjini na Manispaa wa Iringa watanufaika na ushirikishwaji huu wa wananchi katika kuhifadhi Maliasili?

NAIBU WAZIRI WA MALIASILI NA UTALII: Mheshimiwa Naibu Spika, moja ni kama tulivyosema Serikali itaendelea

na dhana ya ushirikishwaji. Ninafahamu kwamba pale Iringa Mjini tunalo tatizo la muda mrefu kidogo la msitu ambao unamilikiwa na Serikali Kuu, lakini pia uko katika Manispaa ya Iringa, na ulikuwa ni msitu sasa umekuwa ni vichaka.

Taarifa za mwisho ambazo nimezipata, ni kwamba vile vichaka sasa vimegeuka kwamba ni maeneo ya vibaka, Na ni maeneo ambayo yangeliweza kutumika vizuri zaidi, kama tutakubaliana kushirikiana kati ya Serikali Kuu na Wananchi.

Mheshimiwa Naibu Spika, niwahikishie, nimhakikishie Mheshimiwa Mchungaji Peter Msigwa, kwamba Wizara inalitazama hili suala, pamoja na Sheria zilizopo tuhakikishe kwamba eneo hili hususan linatumika vizuri, na litatumika kwa dhana ya ushirikishwaji. Mimi mwenyewe niko tayari kulitembelea, ili tuweze kuhakikisha kwamba tunakubaliana njia ya kuendelea. *(Makofi)*

MHE. JAMES D. LEMBELI: Mheshimiwa Naibu Spika, ninakushukuru.

Kwa kuwa Sheria iliyopitishwa na Bunge lako Tukufu hivi karibuni, inayataka mashirika ya umma yanayojiendesha, kulipa Serikalini asilimia 10 ya mapato ghafi pesa ambayo ni nyingi. Inakula karibu pesa yote ya faida ya Mashirika hayo. Taasisi kama hizo ni kama Hifadhi za Taifa na Ngorongoro. Imepelekea zitishe kabisa Miradi yake ya Ujirani mwema ili siweze kulipa hiyo asilimia 10 (10%) kwa Serikali. Miradi hiyo ni kama vile Mashule Maji na Zahanati.

Mheshimiwa Naibu Spika, je, Serikali haioni kwamba kwa kuanzisha kodi hiyo sasa imeziweka Taasisi hizi rehani, kwa sababu wananchi nao watasitisha ushirikiano na Hifadhi za Taifa na Mapori ya Akiba, hivyo ujangili ambao tunao sasa hivi hapa nchini kuongezeka maradufu?

Mheshimiwa Naibu Spika, ahsante sana. (*Makofi*)

NAIBU WAZIRI WA MALIASILI NA UTALII: Mheshimiwa Naibu Spika, naomba kujibu Swali la Nyongeza la Mheshimiwa James D. Lembeli, kama hivi ifuatavyo.

Mheshimiwa Naibu Spika, ninakubaliana naye, kwamba katika *Finance Bill* ya mwaka 2013, Bunge lako Tukufu limeridhia kuongeza kodi ya asilimia kumi (10%) ya mapato ghafi ya Mashirika yote ya umma, yanayohusika na Uhifadhi ikiwa ni pamoja na Ngorongoro *Conservation Area, Tanzania National Park Systems* na Mashirika mengine.

Lengo la Serikali hapa ilikuwa ni kuhakikisha kwamba tunaongeza wigo wa mapato ya Serikali. Lakini napenda pia kukubaliana naye kwamba changamoto iliyopo katika eneo la uhifadhi, na hasa tukizingatia kwamba pamoja na ile asilimia 10 (10%) bado mashirika haya yatapashwa kuendelea kulipa asilimia 30 (30%) ya *Corporate Tax* na kodi zingine zilizopo.

Mheshimiwa Naibu Spika, mzigo huu tunaamini kwamaba unaendelea kuwa mkubwa na Serikali kama tulivyosema mwanzo hata katika *debate*, itaendelea kuliangalia hili suala na tuwahakikishie Wabunge kwamba,

Serikali itahakikisha ina-*balance*, nia yake ya kuendelea kupata mapato kwa ajili ya matumizi ya maendeleo ya wananchi na Uhifadhi na kuhakikisha kwamba tuna Uhifadhi endelevu nchini. (*Makofi*)

Na. 60

Athari za Mamba Katika Mto Lukosi

MHE. RITTA E. KABATI aliuliza:-

Je, ni wananchi wangapi wameathirika na Mamba katika mto Lukosi Kata ya Mahenge na Ruaha Mbuyuni Wilaya ya Kilolo?

NAIBU WAZIRI WA MALIASILI NA UTALII alijibu:-

Mheshimiwa Naibu Spika, naomba kujibu swali la Mheshimiwa Ritta Enespheer Kabati, Mbunge wa Viti Maalum, kama ifuatavyo:-

Mheshimiwa Naibu Spika, Wizara yangu ina jukumu la kushughulikia matatizo yanayosababishwa na wanyamapori waharibu na wakali ikiwa ni pamoja na mamba. Katika kuhakikisha kuwa Wizara inapata taarifa sahihi kuhusu matukio ya Mambo katika maeneo yaliyotajwa tumefanya mawasiliano na Afisa wetu wanyamapori wa Wilaya ya Kilolo ili kupata kumbukumbu za wananchi walioathirika.

Mheshimiwa Naibu Spika, katika kipindi cha mwaka 2007 hadi 2008, watu watatu waliuawa na mamba katika vijiji vya Mtandika na Msosa. Kwa mujibu wa utaratibu uliokuwa unatumika wakati huo, familia za marehemu zililipwa jumla ya Shiingi laki sita (TZS.600,000/=) ikiwa ni kifuta machozi. Vile vile mwaka 2009 na 2010 watu wawili walijeruhiwa na mamba aktika Mto Lukosi. Watu hao hawakulipwa kifuta machozi kwa kuwa hakukuwepo na kanuni za fieida wakati ule. Kanuni za kuwalipa majeruhi zilianza kutumika mwaka 2011.

Mheshimwa Naibu Spika, ninaomba kuwahakikishia Wananchi wote nchini, kuwa Wizara yangu itaendelea kushirikiana na Halmashauri za Wilaya zote ikiwa ni pamoja na Halmashauri ya Wilaya ya Kilolo, katika kudhibiti wanyamapori hatari kwa maisha ya wananchi kwa kufanya doria za msako dhidi ya wanyama hao wakali kwa ushirikiano. *(Makofi)*

MHE. RITTA E. KABATI: Mheshimiwa Naibu Spika, ahsante sana.

Mheshimiwa Naibu Spika, ninaomba nimshukuru Naibu Waziri wa Maliasili na Utalii kwa majibu yake. Pamoja na majibu yake ninaomba kuuliza maswali mawili ya nyongeza. Kwa kuwa waathirika wakubwa sana wa tatizo hili ni wanawake.

Nimesema hivyo kwa sababu katika hiki kijiji alichokisema cha Msosa, kuna mwanamke mmoja aliyejifungua watoto mapacha. Baada ya siku tatu

akaenda mtoni akauawa na Mamba. Vile vile Mtandika kuna mototo ambaye ni mlemavu, ameathirika kutokana na huo mto wa Lukosi.

Vilevile kama tunavyojua wanaume wengi sana wamekuwa wakituacha sisi wanawake kutokana na ulemavu na kupata watoto ambao ni walemavu wanakimbia ndoa zao. *(Makofi)*

Sasa ni lini Serikali itajenga mtandao wa maji ili wananchi hao wasiendeleo kupoteza maisha na viungo vyao na ndoa zao? *(Makofi)*

Mheshimiwa Naibu Spika, swali la ili ni lini Serikali itatueletea Muswada hapa Bungeni wa kulipa fidia kwa watu wanaoathirika na wanyama wakali badala ya sasa hivi hivi vifuta machozi ambavyo haviko kisheria? *(Makofi)*

NAIBU WAZIRI MALIASILI NA UTALII: Mheshimiwa Naibu Spika, naomba kujibu maswali mawili ya Mheshimiwa Rita E. Kabati kama hivi ifuatavyo:-

Moja, kwa niaba ya Wizara ya Maliasili na Utalii, tunapenda kumshukuru sana Mheshimiwa Rita kwanza kwa kufuatilia sana juu ya matukio haya yaliyotokea, amezungumza na sisi Wizarani, amezungumza na Waziri wangu, amezungumza na mimi. Lakini tunahakikisha kwamba juhudu hizi pamoja na uongozi wote wa Iringa zitazaa matunda.

Swali lake la kwanza, aliulizia kuhusiana na matukio yaliyotokea katika vile vijiji ambako mama alijeruhiwa na motto mwingine alijeruhiwa. Nimwakikishie kwamba Serikali kupitia mpango wake wa *Big Result Now*, na Waheshimiwa Mawaziri waliojibu maswali yametaja huu mpango wa *Big Result Now*, Matokeo Makubwa sasa.

Tutahakikisha kwamba maeneo haya yaliyotajwa yanapewa kipaumbele kupatiwa maji ili akinamama na wananchi wasilamzimike kwenda katika mito yenye mamba na kuathirika maisha yao.

Mheshimiwa Naibu Spika, la pili, dhana nzima ya kifuta jasho inatumika duniani kote mahali ambapo kuna uhifadhi endelevu. Ni vigumu sana kwa kutumia tabia ambazo hazitabiriki za wanyamapori.

Kwa nazingira tuliyonayo sasa hivi, tabia za wanyama pori zinazidi kubadilika. Tuna siku chache tu ambazo tunao tembo wanazidi kuwa na tabia ambazo hazikuwa za kwao. Wanazidi kuongeza ukali na hii ni kutokana na tatizo zima la ujangili unaoongezeka.

Mheshimiwa Naibu Spika, Serikali itaendelea na mpango huu wa kifuta jasho, lakini kwa kweli suala la kuweza kuyalipa maisha ya mtu aliyejeruhiwa, litakuwa ni suala ambalo halitawezekana kwa sasa hivi. (*Makofi*)

NAIBU SPIKA: Waheshimiwa Wabunge, tunaendelea, bado ninayo maswali matano na muda wetu kama mnavyouona.

Na. 61

**Wanawake Kunufaika na Mfuko wa
Maendeleo wa Wanawake**

MHE. ROSEWEETR F. KASIKILA atauliza:-

Mahitaji ya mikopo inayotolewa na kupitia Mfuko wa Maendeleo ya Wanawake ni makubwa sana:-

Je, ni lini wanawake wa Mkoa wa Rukwa watanufaika na Mfuko huo?

WAZIRI WA MAENDELEO YA JAMII, JINSIA NA WATOTO:
Mheshimiwa Naibu Spika, naomba kujibu swali la Mheshimiwa Roseweeter F. Kasikila kama ifutavyo:-

Mheshimwa Naibu Spika, katika kipindi cha miaka minne 2006/2007 na 2011/2013, kiasi cha shilingi 32,000,000/= kimetolewa kwa mfuko huu kwa wanawake wa uliokuwa mkoa wa Rukwa kupitia Halmashauri za Nkasi, Sumbawanga Manispaa ya Sumbawanga na Mpanda. Hivyo Wanawake wa Mkoa wa Rukwa wamenufaika na Mfuko wa Maendeleo ya Wanawake.

Aidha, Halmashauri husika zinapashwa kuchangia asilimia 5% za mapato yao kila mwaka kwa mfuko huu zinavyolazimika kufanya.

Mheshimiwa Naibu Spika, kwa kuwa Waheshimiwa Wabunge ni Wajumbe wa Kamati za Mikopo wa Muuko huu

katika Halmashauri zetu. Ninaomba nitumie fursa hii, kuwaomba washirikiane na Maafisa Maendeleo ya Jamii wa Halmashauri kuandaa Mikakati ya Kuboresha utendaji wa Mfuko huo pamoja na kuwahamasisha wanawake kujiunga katika vikundi ili waweze kupata mikopo kupitia Mfuko huu. *(Makofi)*

Mheshimiwa Naibu Spika, mahitaji ya mfuko huu ni makubwa, ninaomba nitumie fursa hii pia kuishukuru Kamati ya Bajeti ya Bunge kwa kuona umuhimu wa kuipatia Wizara yangu fedha za ziada kwa ajili ya kuendeleza Mfuko huu.

Ni mategemeo yangu kuwa fedha hizi zitaongeza ufanisi wa mfuko na kuwafanya wanaweke wengi zaidi kunufaika katika Halmashauri zetu zikiwemo za Mkoa wa Rukwa. *(Makofi)*

MHE. ROSWEETER F. KASIKILA: Mheshimiwa Naibu Spika, ninakushukuru sana.

Mheshimiwa Naibu Spika, pamoja na majibu mazuri ya Mheshimiwa Waziri ninaomba kuuliza maswali mawili tu ya nyongeza.

Kwa kuwa mikopo iliyotolewa Rukwa mwaka 2006 – 2007 kwa vikundi, lakini ukienda sasa hivi hakuna hata kikundi kimoja kinachoendelea. Hii imebainika ni kwa sababu mikopo iliyo mingi iliyotolewa inatolewa bila mafunzo kwanza, namna ya kutumia mikopo hiyo. Badala yake mikopo inatumiwa kinyume na malengo.

Hata kama Halmashauri katika asilimia zake 5% zitatoa pesa kwa wanawake bado vikundi havitafanya kazi. Lakini pia tushukuru kwa hizo Shilingi 2,000,000,000/= ambazo pengine wanawake wa Rukwa watanufaika. Lakini kama zitazotolewa bila mafunzo hazitazaa matunda mazuri.

Swali langu. Je, Serikali ina mpango gani. Au ina mikakati gani, ya kutoa kwanza mafunzo kwa vikundi kabla ya kutoa hizo pesa?

Swali langu la pili, tushukuru kwamba kuna hizo Sh. 2,000,000,000/= zimetolewa kwa Wizara na kwamba Waziri amesema na Wanawake wa Rukwa watanufaika.

Je, Wanawake wa Rukwa wametengewa shilingi ngapi katika hizo Sh. 2,000,000,000/=?

WAZIRI WA MAENDELEO YA JAMII, JINSIA NA WATOTO:
Mheshimiwa Naibu Spika, naomba kumjibu Mheshimiwa Rosweeter Kasikila maswali yake mawili ya nyongeza.

Mheshimiwa Naibu Spika, kuhusu mafunzo, ni kweli ni muhimu kuwa na mafunzo kabla ya hapo. Kwa sasa mkakati wetu ni kushirikiana na Maafisa wa Maendeleo ya Jamii, waliko katika Halmashauri, ili wao weweze kuziomba Halmashauri zao zivasaidie kutoa mafunzo kwa vikundi ambavyo vitapata mikopo hiyo.

Tunatarajia zaidi kutoa pesa hizi kwa vikundi, tunaamini vikundi ambavyo ni *SACCOS*, au *VICOBA* tayari vimeishapata mafunzo.

Swali lake la pili, ameuiza ni kiasi gani watapata katika pesa zilizopatikana. Kutegemea na jinsi zitakavyopatikana hizo pesa katika Wizara yetu. Tumejipanga kwamba kila Halmashauri itapata Sh. 8,000,000/= kwa nchi nzima.

Kwa zile Halmashauri ambazo zinaonyesha ni mwendelezo mzuri wa kurudisha hizo fedha, tutazipatia zaidi. Ukiangalia kwamba katika Mkoa wa Rukwa, Halmashauri moja tu iliweze kurudisha ule mkopo.

Kwa hiyo, kwa sasa tunakuwa na masharti magumu zaidi kwa wale ambao walifanya vizuri zaidi tutawapatia fedha zaidi ili kuwa-*encourage* waendeleo na masuala ya kukopesha wanawake wengi zaidi. (*Makofi*)

NAIBU SPIKA: Nimekuona Mheshimiwa, Waheshimiwa Wabunge katika Mkoa wa Dodoma, mwanamke akiolewa hupewa jina, hatumii jina lile ambalo ametokea nalo kwao. Sasa naomba nimwite Nyila Mtemi, swali la nyongeza. (*Kicheko*)

MHE. ANNE K. MALECELA: Mheshimiwa Naibu Spika, nashukuru kupata nafasi ya kuuliza swali la nyongeza. Kwa kuwa fedha za Mfuko wa Maendeleo ya Wanawake katika Wizara hii ya Maendeleo ya Jamii, Jinsi na Watoto ni haki Kikatiba kwamba, wawe wanapata wanawake wa mijini na wanawake wa vijijini. Kwa kuwa Mheshimiwa Waziri yuko Wizara hii kwa muda mrefu, anaweza akatwambia ni asilimia ngapi za fedha hizi zinakwenda kwa wanawake wa vijijini ukilinganisha na asilimia ya wanawake wa mijini?

WAZIRI WA MAENDELEO YA JAMII, JINSIA NA WATOTO:

Mheshimiwa Naibu Spika, fedha hizi zinakwenda katika kila Halmashauri na kila Halmashauri inakuwa na vijiji na Waheshimiwa Wabunge ni wajumbe katika Mfuko ule. Kwa hiyo, tunategemea sana wahakikishe fedha hizi nyingi zinakwenda kwenye vijiji pia.

Mheshimiwa Naibu Spika, pia inategemea kwenye vijiji wanataka mikopo hiyo kwa namna gani, kwa sababu sisi tunashauri wawape akinamama hata pesa za kusaidia kununua pembejeo. Kwa hiyo, kwa kutumia Bunge lako nawaomba Madiwani wa Viti Maalum ambao nao pia wamo katika Kamati hiyo wahakikishe akinamama wa vijijini wananufaika na Mfuko huu kama ilivyotarajiwa.

Na. 62

Mashamba ya Sufi ya Mgobe – Kalimi, Kata ya Mnyuzi

MHE. STEPHEN H. NGONYANI aliuliza:-

Mashamba ya sufi ya Mgobe katika Kata ya Makuyuni na Mnyuzi yametokelezwa kwa muda mrefu:-

Je, kwa nini Serikali isiyagawe mashamba hayo kwa wananchi na itafanya hivyo lini?

NAIBU WAZIRI WA ARDHI, NYUMBA NA MAENDELEO YA MAKAZI alijibu:-

Mheshimiwa Naibu Spika, kwa niaba ya Waziri wa Ardhi, Nyumba na Maendeleo ya Makazi, napenda kujibu swali la Stephen Hilary Ngonyani, Mbunge wa Korogwe Vijijini, kama ifuatavyo:-

Mheshimiwa Naibu Spika, Halmashauri ya Wilaya ya Korogwe inayo mashamba mawili ambayo matumizi yake yalipangwa kwa kilimo cha misufi. Mashamba hayo ni Maurui *Kapok Estate Limited*, lenye Hati Na. 3865 na ukubwa wa ekari 2,822 na Mnyuzi *Kapok Estate* lenye hati Na. 15575 na ukubwa wa ekari 1483 ambayo yote yanamilikiwa na sufi *Limited*.

Mheshimiwa Naibu Spika, Halmashauri ya Wilaya ya Korogwe ilifanya ukaguzi wa mashamba yasiyoendelezwa ikiwa ni pamoja na mashamba ya Maurui *Kapok Estate* na Mnyuzi *Kapok Estate* na kubaini kuwa, wamiliki wamevunja masharti ya umiliki wa ardhi na ikiwa ni pamoja na kutoyaendeleza maeneo hayo na kutokulipa kodi ya pango la ardhi kwa mujibu wa Sheria ya Ardhi, Sura 113. Hatua za kufuta miliki hizo zimeanza kwa kuwatumia wamiliki ilani yenye onyo la kuvunja masharti ya umiliki.

Mheshimiwa Naibu Spika, Serikali ina dhamira ya dhati ya kugawa ardhi hiyo kwa wananchi wa Wilaya ya Korogwe na kinachoendelea hivi sasa ni matakwa ya kisheria ambayo yanataka uhakiki ufanyike na mwenyewe kupewa taarifa ya kusudio la kutaka kuyatoa mashamba hayo.

Mheshimiwa Naibu Spika, kupitia Bunge lako Tukufu, naiagiza Halmashauri ya Wilaya ya Korogwe kuharakisha uhakiki wa mashamba hayo na kuwasilisha mapendekezo Wizara ya Ardhi, Nyumba na Maendeleo ya Makazi ili kibali cha Mheshimiwa Rais kiweze kuombwa kwa ajili ya kuyafuatia mashamba miliki na kuyagawa kwa wananchi.

MHE. STEPHEN H. NGONYANI: Mheshimiwa Naibu Spika, namshukuru sana Mheshimiwa Naibu Waziri kwa majibu mazuri, lakini nina maswali mawili ya nyongeza. Kwanza, kwa kuwa wamiliki wa mashamba wameshakiuka Sheria ya Ardhi, Sura Namba 113 kwa nini leo Serikali isiamue mashamba hayo yakagawiwa kwa wananchi?

Mheshimiwa Naibu Spika, pili, kwa kuwa Waziri mmeshazunguka sana katika Mkoa wa Tanga na kujua shida ya ardhi inavyoendelea hasa katika Wilaya ya Korogwe Vijijini. Je, ni lini Mheshimiwa Waziri atakuwa tayari aende mpaka Korogwe Vijijini akaone wananchi wa Korogwe Vijijini wanavyopata shida kwa ajili ya sehemu za kulima?

NAIBU WAZIRI WA ARDHI, NYUMBA NA MAENDELEO YA MAKAZI: Mheshimiwa Naibu Spika, swali la kwanza la kwamba, kwa nini Serikali isiyagawe mashamba yale kwa wananchi kama nilivyojibu katika jibu la swali la msingi nimeeleza kwamba, taratibu za kisheria zinazingatiwa kwa maana kwamba, tumekwishatoa *notice* kwa mmiliki wa mashamba yale. Baada ya hapo sasa ziko taratibu za kusubiria *notice* ile iishe, siku tisini ziishe.

Mheshimiwa Naibu Spika, baada ya *notice* kwisha, mashamba yale sasa itaandaliwa taarifa na kuwasilishwa RCC ambayo nayo baada ya kupitisha ndipo huwasilishwa kwa Waziri wa Ardhi, Nyumba na Maendeleo ya Makazi ambaye baada ya kujiridhisha kwamba taratibu zote za kisheria zimezingatiwa, huwasilisha kwa Mheshimiwa Rais mapendekezo ya kuomba miliki hiyo iweze kufutwa.

Mheshimiwa Naibu Spika, hatutasita mara tu Mheshimiwa Rais atakapokuwa ameruhusu kwamba, mashamba yale yatwaliwe na Serikali, basi tutayarudisha kwa Halmashauri ya Wilaya ili iweze kuyagawa.

Mheshimiwa Naibu Spika, hivyo, tunamwomba Mheshimiwa Mbunge ahakikishe kwamba, katika mapendekezo yatakayowasilishwa, Wilaya iwasilishe mapendekezo kwamba, ni akina nani hao watakaonufaika na mashamba hayo, orodha ya wale wanufaika iwasilishwe pamoja kama ni wawekezaji binafsi au ni wananchi wanagawiwa tupate taarifa hiyo.

Mheshimiwa Naibu Spika, kuhusu swali la pili, napenda tu nimhakikishie ndugu yangu Mheshimiwa Ngonyani kuwa, nitakuwa tayari baada ya Mkutano huu kumalizika kufika Korogwe kwa ajili ya kushirikiana naye pamoja na uongozi wa Wilaya kuweza kutafuta ufumbuzi wa kero za ardhi zinazowakabili wananchi wa Wilaya ile.

MHE. HALIMA J. MDEE: Mheshimiwa Naibu Spika, nashukuru sana. Moja kati ya changamoto kubwa sana kwenye sekta ya ardhi na siyo Mkoa wa Tanga peke yake ni

maeneo karibu yote, wawekezaji wasio na mitaji, watu wenye nyadhifa Serikalini wamehodhi maeneo makubwa sana ya kimkakati. Matokeo yake ni kwamba, wananchi wa kawaida wanakuwa hawana maeneo ya kulima.

Mheshimiwa Naibu Spika, changamoto kubwa sana ni kwamba, Serikali haina takwimu. Mwaka jana katika Bunge hili tulipitisha Azimio kuitaka Serikali ikafanye tathmini ya ardhi yote Tanzania kujua nani ana nini na sehemu gani. Mpaka sasa hivi Serikali haijaleta taarifa Bungeni na wakati iliahidi italeta mwaka huu mwezi wa Nne.

Mheshimiwa Naibu Spika, sasa nataka Waziri aniambie ni lini mtaridhia maazimio ya Bunge ya kuwataka mlete taarifa ya wamiliki wa ardhi wa ndani na nje ya nchi ili Bunge kama msimamizi wa Serikali itoe mwelekeo wa nini ambacho kinatakiwa kifanyike, ni lini mtaleta hii taarifa?
(Makofi)

NAIBU SPIKA: Mheshimiwa Naibu Waziri, majibu ya swali hilo kwa kifupi!

NAIBU WAZIRI WA ARDHI, NYUMBA NA MAENDELEO YA MAKAZI: Mheshimiwa Naibu Spika, kwanza nitoe ufafanuzi kwamba, si kwamba taarifa ile tumeshindwa kuwasilisha, ilipangwa iwasilishwe mwezi Aprili, lakini Mkutano wa Aprili ulisogezwa mbele kuja Agosti kwa sababu ya mabadiliko ya mzunguko wa bajeti. Kwa hiyo, napenda tu nilihakikishie Bunge lako Tukufu kwamba, tuliahidi kwamba taarifa hiyo tutaiwasilisha katika Mkutano huu wa Bunge.

Na. 63

**Kukamilika kwa Mahakama ya Kisasa
Kata ya Mugango**

MHE. JUMA A. NJWAYO (K.n.y. MHE. NIMROD E. MKONO) aliuliza:-

Aliyekuwa Jaji Mkuu (Jaji Mstaafu Augustino Ramadhani) aliwahi kuomba wadau mbalimbali Mkoani Mara kusaidia ujenzi wa Mahakama za Mwanzo ikiwemo Mahakama ya Mwanzo katika Kata ya Mugango, Jimbo la Musoma Vijijini na fedha nyingi zilipatikana kuweza kujenga Mahakama ya kisasa kwenye Kata ya Mugango:-

(a) Je, ni kiasi gani cha fedha katika ujenzi wa Mahakama hiyo na Serikali ilichangia kiasi gani?

(b) Je, kwa nini Mahakama hiyo pamoja na kukamilika hadi sasa haijazinduliwa?

(c) Pamoja na uzuri wa jengo hilo la kisasa kwa nini hakuna njia ya kupita gari kwenda Mahakamani hapo?

NAIBU WAZIRI WA KATIBA NA SHERIA alijibu:-

Mheshimiwa Naibu Spika, kwa niaba ya Mheshimiwa Waziri wa Katiba na Sheria, napenda kujibu swali la Mheshimiwa Nimrod Elirehema Mkono, Mbunge wa Musoma Vijijini, kama ifuatavyo:-

Mheshimiwa Naibu Spika, ujenzi wa Mahakama katika Kata ya Mugango ulishirikisha wadau mbalimbali wakiwemo wananchi kwa upande mmoja na Serikali kwa upande wa pili. Jumla ya shilingi milioni 220 zilitumika katika ujenzi na ununuzi wa samani mbalimbali za jengo la Mahakama ya Mugango. Wananchi walichangia sh. 124,838,264 ikiwa ni sawa na asilimia 57 na Serikali ilitumia sh. 95,161,736 sawa na asilimia 43.

Mheshimiwa Naibu Spika, kati ya fedha iliyotolewa na Serikali, sh. 73,350,514 ilitumika kukamilisha ujenzi wa mahakama na sh. 21,811,222 ilitumika kununua samani ya Mahakama ya Mugango.

Mheshimiwa Naibu Spika, Serikali inachukua nafasi hii kuwashukuru sana na kuwapongeza wananchi wa Mugango, wadau mbalimbali waliochangia ujenzi wa Mahakama hii ya Mugango, lakini pia napenda kuchukua fursa hii kumshukuru Mheshimiwa Nimrod Mkono kwa kuchangia na kufuatilia kwa karibu mipango ya maendeleo ikiwa ni pamoja na ujenzi wa jengo la Mahakama ya Mugango.

Mheshimiwa Naibu Spika, kwa taarifa nilizonazo Mahakama ya Mugango tayari imekwishaanza kazi, hivyo, dhamira iliyodhamiriwa kwa kujengwa kwa Mahakama hii tayari imekwishatimia.

Mheshimiwa Naibu Spika, ni kweli kwamba hali ya barabara kuingia katika Mahakama ya Mugango siyo ya kuridhisha, Wizara kupitia Mahakama itawasiliana na

mamlaka husika ili kuangalia ni namna gani barabara hiyo inaweza kutengenezwa ili iweze kupitika vizuri zaidi.

MHE. JUMA A. NJWAYO: Mheshimiwa Naibu Spika, ahsante. Awali ya yote naomba niwapongeze wananchi wa Kata ya Mugango kwa kuchangia ujenzi wa Mahakama yao maana katika maeneo mengi kuchangia Mahakama ni jambo gumu sana.

Mheshimiwa Naibu Spika, baada ya maelezo hayo naomba niulize swali la nyongeza. Tanzania nzima sasa hivi kuna matatizo ya uchakavu wa Mahakama kila mahali, Mahakama zile zimebaki kama kuku wasio na wenyewe, lakini sambamba na hilo kuna matatizo ya kutokuwepo kwa Mahakimu, nini mpango mkakati wa Wizara kumaliza matatizo haya kwenye sekta hii ya Mahakama?

NAIBU WAZIRI WA KATIBA NA SHERIA: Mheshimiwa Naibu Spika, kuhusiana na Mahakama ina mkakati gani wa kutatua tatizo la uchakavu wa majengo ya Mahakama kwanza kabisa kama mnavyofahamu, Mahakama imekuwa ikijitahidi kufanya ukarabati lakini pia kujenga Mahakama mpya kwa kadri bajeti inavyoruhusu.

Mheshimiwa Naibu Spika, kama mnavyofahamu katika mwaka huu wa fedha tunatarajia kujenga Mahakama mpya kumi, lakini pia kwa fedha ambayo mmetupitisha fedha ya maendeleo bilioni 42.7 nayo pia tunatarajia kufanya ukarabati katika Mahakama zilizochakaa.

Mheshimiwa Naibu Spika, kuhusiana na tatizo la upungufu wa Mahakimu, kuanzia mwaka juzi tumeanza kuajiri Mahakimu wapya 300 kila mwaka. Kwa hiyo, naomba tu nimtoe wasiwasi Mheshimiwa Mbunge, mwaka huu pia tunatarajia kupata Mahakimu wengine wapya 300, ni imani yetu kwamba tukifanya hivyo kwa miaka mitano, basi angalau tatizo la upungufu wa Mahakimu litakuwa limepungua kama siyo kutokomea kabisa.

Na. 64

Mazingira ya Kazi kwa Mwakili wa Serikali

MHE. MARYAM SALUM MSABAHA aliuliza:-

Mwakili wa Serikali wanafanya kazi katika mazingira magumu na yenye kuhatarisha maisha yao:-

Je, ni lini Serikali itaboresha mazingira ya kazi kwa Mwakili hao ikiwa ni pamoja na kuwapatia vitendea kazi?

NAIBU WAZIRI WA KATIBA NA SHERIA alijibu:-

Mheshimiwa Naibu Spika, kwa niaba ya Mheshimiwa Waziri wa Katiba na Sheria naomba kujibu swali la Mheshimiwa Maryam Salum Msabaha, Mbunge wa Viti Maalum, kama ifuatavyo:-

Mheshimiwa Naibu Spika, Serikali kupitia Bunge lako Tukufu imekuwa ikifanya jitihada mbalimbali katika kuhakikisha kwamba, watumishi wake wote wakiwemo

Mwakili wa Serikali wanafanya kazi katika mazingira bora na mazingira yenye usalama. Katika kutimiza azma hii, Serikali imekuwa ikijitahidi kila inapowezekana kuboresha mazingira ya kazi kwa Mwakili wa Serikali kwa kuwapatia vitendea kazi na kuimarisha usalama katika maeneo yao ya kazi.

Mheshimiwa Naibu Spika, hatua zilizochukuliwa na Serikali katika kuboresha mazingira ya kazi ni pamoja na zifuatazo:-

- (i) Ni kuwapatia vitabu vya rejea, samani na kompyuta;
- (ii) Kuwapatia posho ya mavazi;
- (iii) Kuchangia gharama za pango na nyumba ili kuwawezesha kuishi katika mazingira salama;
- (iv) Kuwapatia mafunzo mbalimbali ndani na nje ya nchi;
- (v) Kuwa na magari ya kuwasafirisha kutoka katika maeneo wanayoishi na kwenda Mahakamani ili kuwahakikishia usalama wao na usalama wa majadala ya kesi.

Mheshimiwa Naibu Spika, pamoja na jitihada nilizozitaja, Wizara yangu bado inatambua kuwepo kwa changamoto za kiusalama na mazingira magumu ya kazi wanayokumbana nayo Mwakili wa Serikali kutokana na

wao kuendesha mashauri ya jinai Mhakamani yakiwemo yale yanayohusisha wahalifu sugu na watuhumiwa wenye nafasi tofauti katika jamii yetu.

Mheshimiwa Naibu Spika, Wizara yangu itaendelea kutekeleza azma yake ya kuboresha maslahi ya Mawakili wa Serikali na mazingira wanayofanyia kazi na mpango wa kuwapatia makazi kama inavyofanyika kwa watumishi wengine walioko katika taasisi zingine zinazohusika na masuala ya ulinzi na usalama. Aidha, haya yote yatawezekana kwa kadri Serikali kupitia Bunge lako Tukufu itakavyoendelea kuboresha bajeti.

MHE. MARYAM SALUM MSABAHA: Mheshimiwa Naibu Spika, ahsante. Kwa kuwa Mawakili wa Serikali, baadhi yao hulazimika kupanda madaladala na kuhatarisha maisha yao, je, Serikali haioni sasa kuna umuhimu wa kuwapatia Mawakili wa Serikali mkopo wa kununua magari ili wapate kutenda kazi kwa usanifu zaidi?

Mheshimiwa Naibu Spika, swali la pili, kwa kuwa hao Mawakili wa Serikali umesema walishapatiwa nyumba za kuishi, nataka niulize ni Mawakili wangapi wa Serikali wana nyumba nzuri na usalama wa kutosha katika Serikali yetu?

NAIBU WAZIRI WA KATIBA NA SHERIA: Mheshimiwa Naibu Spika, kwanza kabisa kuhusiana na mkopo wa kununua magari, mkopo huu si kwa ajili ya Mawakili wa Serikali peke yake, iko *facility* katika Wizara ya Fedha, ambapo watumishi wote wa Serikali wenye kuhitaji magari

wamekuwa wakiomba na kupatiwa fedha hizo kwa ajili ya kununua magari kwa kadri ambavyo Mfuko huo umeruhusu.

Mheshimiwa Naibu Spika, lakini pili, kusema ni Mwakili wangapi wana nyumba, kwa upande wa Mwakili wa Serikali hawana nyumba ambazo wanazimiliki wao wenyewe au ambazo Mwanasheria Mkuu wa Serikali anamiliki, bali kila mwaka wanapewa shilingi milioni 1.8 au shilingi 150,000 kila mwezi kwa ajili ya kwenda kupangisha.

Mheshimiwa Naibu Spika, niombe tu Bunge lako itakapokaribia bajeti tena mtuwezeshe kama ambavyo mmekuwa mkituwezesha ili tuweze kujenga majengo yetu wenyewe na Mwakili wa Serikali waweze kushi katika *estate* zao. 0753

Mheshimiwa Naibu Spika, lakini pia si hilo changamoto ziko nyingi Mheshimiwa Mbunge, tuna tatizo la vyumba vya ofisi ukiangalia tu katika ofisi ya Mwanasheria Mkuu wa Serikali pale Dar es Salaam ana mahitaji ya vyumba takriban 35, lakini ana vyumba 24 peke yake. Ukiangalia kwa magari, tunahitaji magari takriban 97, lakini tunayo 62 tu peke yake na kwa mwaka huu tunajitahidi kununua magari mengine 35, lakini si hayo tunajitahidi kuongeza samani zetu, tunajitahidi kununua kompyuta mbalimbali, kununua vitabu kwa ajili ya rejea na mambo mengine. Ahsante.

NAIBU SPIKA: Nimekuona Mheshimiwa Waziri Kivuli, Mheshimiwa Wakili Tundu Lissu

MHE. TUNDU A. M. LISSU: Mheshimiwa Naibu Spika, nashukuru. Naomba niulize swali la nyongeza kuhusu vitendea kazi vya Mawakili siyo Mawakili wa Serikali pekee yake.

Mheshimiwa Naibu Spika, lakini sehemu muhimu ya kazi ya Mawakili ni pamoja na kuwa na vitabu vya Ripoti za Sheria kwa ajili ya matumizi yao Mahakamani yaani *Law Reports*.

Mheshimiwa Naibu Spika, kwa karibu miaka minne wachapishaji wa Tanzania *Law Reports* wamechapisha vitabu hivyo, lakini kwa sababu ambazo hatuzielewi vitabu hivyo haviuzwi kwa Mawakili vinakaa kwa *Law Africa*, wachapishaji. Naomba Serikali kupitia Naibu Waziri alieleze Bunge lako Tukufu ni sababu zipi zinazofanya hivi vitabu muhimu vya rejea kwa kazi ya Mawakili na watumiaji wengine wa Sheria haviuzwi mpaka sasa hivi?

Mheshimiwa Naibu Spika, nashukuru.

NAIBU SPIKA: Mheshimiwa Naibu Waziri majibu kwa kifupi sana.

NAIBU WAZIRI WA KATIBA NA SHERIA: Mheshimiwa Naibu Spika, ahsante. Kwanza kabisa napenda kumpongeza, suala la hili hajalileta kuanzia hapa, hata katika ngazi ya Kamati amekuwa akilileta mara kwa mara.

Mheshimiwa Naibu Spika, la pili, tutarudia majibu yale yale ambayo tumekuwa tukiyarudia katika ngazi ya Kamati,

lakini si hii tu majibu yale yale ambayo Kamati ilipokwenda kutembelea Tume ya Utumishi wa Mahakama ilipatiwa. Ripoti hizi zimekuwa zikitolewa, lakini kama ambavyo ameeleza, upatikanaji wake katika maduka mbalimbali umekuwa siyo rahisi hivyo. Lakini hivi sasa Mahakama imeingia Mikataba na Kampuni mbalimbali kwa ajili ya kuweza kuchapisha ili ziweze kupatikana kwa urahisi zaidi.

Na. 65

Idadi ya Vijana waliohitimu Vyuoni Wasio na Ajira

MHE. DIANA M. CHILOLO (K.n.y. MHE. MWIGULU L. N. MADELU) aliuliza:-

- (a) Je, Serikali inajua idadi ya vijana waliohitimu vyuoni wasio na ajira kwa ngazi za Stashahada, Shahada na Stashahada za juu?
- (b) Je, Serikali ina mpango gani wa vijana hawa kupata ajira?

NAIBU WAZIRI WA KAZI NA AJIRA alijibu:-

Mheshimiwa Naibu Spika, kwa niaba ya Mheshimiwa Waziri wa Kazi na Ajira, napenda kujibu swali la Mheshimiwa Mwigulu Lameck Nchemba Madelu, Mbunge wa Iramba Magharibi, lenye sehemu (a) na (b), kama ifuatavyo:-

- (a) Serikali imekuwa ikikusanya na kutoa taarifa ya idadi ya wahitimu wa elimu katika ngazi

mbalimbali hapa nchini kila mwaka. Kwa upande wa Elimu ya Juu, takwimu zinaonesha kwamba, idadi ya wahitimu elimu ya juu imeongezeka toka 40,993 mwaka 2005/2006 hadi 166,484 mwaka 2011/2012. Hata hivyo, Serikali haijaweza kuwa na takwimu sahihi za wanaokosa ajira kila mwaka miongoni mwa hao wahitimu.

Mheshimiwa Naibu Spika, takwimu za mwisho kupitia utafiti wa watu wenye uwezo wa kufanya kazi nchini (*Labour Force Survey*) ya mwaka 2006, zinaonesha kwamba jumla ya wahitimu wa Stashahada 1,160 kati ya wahitimu 35,875 hawakuwa na ajira na jumla ya wahitimu 3,092 kati ya 45,600 wa shahada na stashahada za juu hawakuwa na ajira nchini.

Mheshimiwa Naibu Spika, utafiti huu unaotakiwa kufanyika kila baada ya miaka mitano haukuweza kufanyika mwaka 2011 kutokana na ukosefu wa fedha na sasa unategemewa kufanyika mwaka huu wa fedha wa 2013/2014.

(b) Mheshimiwa Naibu Spika, Serikali imekuwa ikichukua hatua mbalimbali katika kushughulikia suala la ajira kwa wahitimu wa Elimu ya Juu kama ifuatavyo:-

(i) Kupitia Sekretarieti ya Ajira, Idara, Taasisi na Mashirika ya Umma, Serikali imekuwa ikitoa ajira kwa wahitimu wa Vyuo Serikalini na kwenye

Sekta za Umma katika fani za Ualimu, Kilimo Utabibu, Uhandisi, Uhasibu, Utafiti, Utawala, Ulinzi na Usalama na kadhalika.

- (ii) Serikali imeendelea kuwekeza bajeti kubwa kwenye ujenzi wa miundombinu na huduma za jamii ambako vijana wahitimu wa Vyuo vya juu wanapata ajira kwenye makampuni yanayotekeleza miradi hiyo ya Serikali.
- (iii) Serikali inavutia na kuhamasisha wawekezaji wa nje na wa ndani kuwekeza kwenye kilimo, viwanda, nishati, madini, utalii, sekta ya fedha, biashara na usafirishaji na hivyo kutoa fursa za ajira kwa wahitimu wa Vyuo vya Elimu ya Juu,
- (iv) Juhudi zingine za Serikali kuwezesha wahitimu wa elimu ya juu kujajiri na kuajiriwa ni pamoja na kuandaa programu ya Kitaifa ya Kukuza ajira kwa vijana ambayo inawajengea vijana uwezo na ujuzi katika stadi mbalimbali za kazi na ujasirimali; kuwapatia mitaji, nyenzo na vifaa vya uzalishaji mali, kuhamasisha mazingira wezeshi kiseru na kisheria na kuwapatia vijana maeneo ya uzalishaji na biashara. Aidha, Serikali imekuwa ikiwawezesha vijana kupatia Mpango wa Mafunzo ya Kuwawezesha Wananchi Kujajiri (*Demand Driven Skills Training Programme*); Mfuko wa Maendeleo ya vijana (*Youth Development Fund*); Mpango wa Kukuza Ajira kwa Vijana " Kazi Njenje"; Miradi

mbalimbali ya jamii kupitia Mfuko wa Maendeleo ya Jamii (*TASAF*) na kadhalika.

MHE. DIANA M. CHILOLO: Mheshimiwa Naibu Spika, ahsante sana. Pamoja na majibu mazuri sana ya Mheshimiwa Naibu Waziri, nina maswali madogo mawili ya nyongeza. La kwanza, kwa kuwa vijana hawa wanaohitimu Vyuu Vikuu ama vyuo vya *Diploma* wanapomaliza masomo yao siyo wote wanaopata ajira kama alivyoeleza Mheshimiwa Naibu Waziri na kwa kuwa, vijana hawa wengi wao sasa wanasoma kwa mikopo ya Serikali. Je, Serikali haioni kwamba, vijana hawa kama hawatapata ajira kurejesha mikopo hiyo itakuwa ni shida? (*Makofi*)

Mheshimiwa Naibu Spika, la pili, kwa kuwa, lengo la Serikali, vijana wanapohitimu ni kuajiriwa ama kujiajiri na kwa kuwa wanaojiajiri ni wale wanaopitia vyuo vya ufundi yaani *VETA* au Vyuo vya Maendeleo; na kwa kuwa vijana hawa wanapohitimu mafunzo yao kwenye Vyuo hivi huondoka bila vitendea kazi. Je, Serikali ili kuwawezesha vijana hawa waweze kujiajiri, ambalo ndiyo lengo la Serikali, ipo tayari kuhakikisha kila kijana anayehitimu, anaondoka na vitendea kazi vya fani aliyosomea kama ni useremala, vyombo vya useremala?

Mheshimiwa Naibu Spika, ahsante.

NAIBU SPIKA: Ahsante sana. Majibu kwa kifupi Mheshimiwa Dkt. Makongoro Mahanga, Naibu Waziri wa Kazi na Ajira.

NAIBU WAZIRI WA KAZI NA AJIRA: Mheshimiwa Naibu Spika, ni kweli kwamba, vijana wengi wa elimu ya juu hasa Vyuho Vikuu wanapewa mikopo na Serikali na wanategemewa warudishe mikopo hii baada ya kupata kazi au kupata ajira au kujiajiri.

Mheshimiwa Naibu Spika, mpaka sasa tunajua matatizo ya kukusanya mikopo hii, lakini tunategemea kwamba baada ya kupata Vitambulisho vya Taifa itakuwa rahisi kufuatilia. Lakini tunaamini kabisa kwamba hao vijana kama hawakuajiriwa, wakajiajiri, bado wanaweza wakalipa hiyo mikopo na mipango yote ambayo nimeieleza hapa ni kuhakikisha kwamba wasioajirika kabisa wawe wachache kadri iwezekanavyo.

Mheshimiwa Naibu Spika, nadhani nia ya Serikali hasa ni kuhakikisha kwamba, hawa vijana wanapata ajira au wanajiajiri kuliko suala la kwamba watahindwa kulipa mikopo, hilo nadhani ni suala *secondary*, lakini la *primary* ni kwamba wapate ajira waweze kujikimu.

Mheshimiwa Naibu Spika, la pili, kwamba vijana wanaomaliza Vyuho Vikuu wapewe vitendea kazi moja kwa moja. Mpango ambao tumeuweka kwa kweli ni kuangalia kwamba vijana wakishamaliza wanajipangaje. Unaweza ukampa mtu kifaa cha kwenda kulimia, akafika nje ya Chuo Kikuu akauza pale pale. Lazima kwanza wakitoka pale tuone wamejipangaje kwenye vikundi katika mpango huu ambao tutaleta wa kukuza ajira, tutawambua vijana ambao wapo tayari kujiajiri wana fani gani, tuwape elimu na ndipo tuwape mikopo ambayo itakuwa ni nyenzo zaidi

kuliko fedha. Kwa hiyo, lazima tuone wamejipangaje kuliko kusema tuwape tu *immediately* wakitoka vyuoni.

NAIBU SPIKA: Nilikuona Mheshimiwa Aliko Kibona, swali fupi sana la nyongeza.

MHE. ALIKO N. KIBONA: Mheshimiwa Naibu Spika, nashukuru kwa kunipa nafasi.

Mheshimiwa Naibu Spika, vijana wetu wanaomaliza kidato cha sita, kidato nne na darasa la saba wengi hawana uwezo wa kujajiri kama dhana inavyosema. Napenda kujua ni lini Serikali italetta Bungeni au itaandaa utaratibu maalum wa kubadilisha mitaala ya elimu katika shule zetu kuanzia shule za msingi, sekondari hadi vyuo ili wanafunzi wapate somo la ujasiriamali ambalo litawawezesha kujajiri kule wanakokwenda badala ya utaratibu wa sasa wa kusema vijana wamalize vyuo au darasa la saba au *form four* bila ya kuwa na elimu ya ujasiriamali?

NAIBU WAZIRI WA KAZI NA AJIRA: Mheshimiwa Naibu Spika, wazo lake alilolitoa la kuongeza suala la ujasiriamali kwenye mitaala ni wazo zuri tu, lielekezwe kwenye Wizara husika.

NAIBU SPIKA: Waheshimiwa Wabunge, mwisho kwa siku ya leo, mtaona muda wetu umepita kuliko maelezo, ni swali la Clara Diana Mwatuka, Mbunge wa Viti Maalum.

Na. 66

Sababu ya Kuvunjwa kwa Reli ya Kusini

MHE. CLARA D. MWATUKA aliuliza:-

Je, ni sababu gani iliyopelekea kuvunjwa kwa reli ya Kusini?

NAIBU WAZIRI WA UCHUKUZI alijibu:-

Mheshimiwa Naibu Spika, kwa niaba ya Mheshimiwa Waziri wa Uchukuzi, naomba kujibu swali la Mheshimiwa Clara Diana Mwatuka, Mbunge wa Viti Maalum, kama ifuaavyo:-

Mheshimiwa Naibu Spika, reli ya Nachangwea hadi Bandari ya Mtwara yenye urefu wa kilometa 211, ilijengwa enzi za utawala wa kikoloni mwaka 1949. Aidha, mwaka 1958 tawi la reli kutoka Chilungula hadi Masasi lenye urefu wa kilometa 42 lilijengwa pamoja na tawi lingine lenye urefu wa kilometa 26.5 kutoka Ruo kwenda Mkuwaya. Madhumuni makuu ya ujenzi wa reli hiyo yalikuwa kusafirisha zao la karanga kutoka mashamba makubwa ya zao hilo hadi Bandari ya Mtwara.

Mheshimiwa Naibu Spika, mwanzoni mwa miaka ya 1960 uzalishaji wa karanga ulishuka sana kutokana na sababu mbalimbali zikiwemo udhaifu katika uandaaji wa mpango huo mkubwa ambapo haukuwa na utafiti wa kutosha wa hali ya hewa na mazingira, hivyo kuchangia

kuwepo kwa uharibifu wa mazingira na matokeo yake kuwepo kwa uzalishaji mdogo wa karanga.

Mheshimiwa Naibu Spika, kutokana na hali hiyo, Kampuni ya *British Overseas Food Corporation* iliyokuwa inaendesha mradi huo ilijitoa katika mradi huo kwa sababu za kiuchumi, hivyo kuifanya reli hiyo kutotumika kama ilivyokusudiwa. Hatimaye mwaka 1962, reli hiyo iliong'olewa kutokana na gharama za uendeshaji kuwa juu na hivyo kutokidhi matarajio ya kibiashara kwa wakati huo.

Mheshimiwa Naibu Spika, kutokana na kuwepo kwa machimbo ya chuma na makaa ya mawe huko Liganga na Mchuchuma, Serikali inatafuta wawekezaji kujenga reli kutoka Bandari ya Mtwara hadi Bandari ya Mbambay kupitia Liganga na Mchuchuma. Katika mwaka huu wa fedha 2013/2014 jumla ya shilingi bilioni 5.58 zimeidhinishwa na Bunge lako kwa ajili ya utekelezaji wa mradi huu. Aidha, matangazo ya kukaribisha wenye nia (*Expression of Interest*) kutoka kwa wawekezaji kwa ajili ya ujenzi wa reli hiyo yamepata mwitikio mzuri na Shirika Hodhi la Rasilimali za Reli (*RAHCO*) liko katika hatua ya kufanya tathmini ya maombi mbalimbali ya wawekezaji.

MHE. CLARA D. MWATUKA: Mheshimiwa Naibu Spika, ahsante. Pamoja na majibu mazuri ya Mheshimiwa Naibu Waziri, nina maswali mawili ya nyongeza. Kwanza, nishukuru kwa hilo alilosema la Makaa ya Mawe Liganga na Mchuchuma mpaka Mbambay, lakini bado hitaji la reli hii ya Nachingwea – Mtwara inahitajika.

Mheshimiwa Naibu Spika, kwa kuwa, Nachingwea kuna zao kubwa la biashara ambalo ni korosho, pia kuna ufuta kule ambapo mazao hayo yanahitaji reli hii wasafirishie mazao yao kwenda Mtwara huko huko. Sasa Serikali haioni kwamba upo umuhimu wa kufufua reli hii kwa ajili ya mazao hayo? *(Makofi)*

Mheshimiwa Naibu Spika, la pili, kwa kuwa reli hii kupitia njia hiyo kutoka Nachingwea kwenda Mtwara, hakuna usafiri wa uhakika. Sasa Serikali haioni umuhimu ili kuwasaidia watu wanaokaa katika maeneo hayo kutoka huko Nachingwea kwenda Mtwara ambapo kwa sasa usafiri wao ni wa kubabaisha, haioni kwamba ipo haja kuwasaidia watu hao? Ahsante.

NAIBU SPIKA: Majibu kwa kifupi Mheshimiwa Naibu Waziri wa Uchukuzi, Dkt. Tizeba!

NAIBU WAZIRI WA UCHUKUZI: Mheshimiwa Naibu Spika, ni kweli kwamba, haja ya kuweko reli kipande cha Mtwara hadi Nachingwea ipo kwa sababu pamoja na mazao aliyoyataja Mheshimiwa Mbunge, bado kule kuna madini ya *nickel* ambayo yatahitaji usafirishaji wa njia kama ya reli. Ni suala la uwezo kwa sasa ambalo linazuia mipango yote hii mingi kutekelezwa kwa mara moja, lakini kama uwezo Serikali utakuwa mzuri maeneo kama hayo yanahitaji kwa kweli kuwa na usafiri wenye uhakika wa kusafirisha mizigo mikubwa kama reli.

Mheshimiwa Naibu Spika, nijibu pia swali la pili, kwa utaratibu huo huo kwamba, pamoja na sasa usafiri siyo wa

uhakika kama alivyosema Mheshimiwa Mbunge nakubaliana naye kabisa, lakini mipango ya Serikali ni kujenga kwanza barabara kwa sasa na kama uwezo utakuwepo basi tutajenga reli kwa ajili ya kusafirisha watu na mizigo mikubwa ambayo inapatikana katika eneo hilo.

NAIBU SPIKA: Waheshimiwa Wabunge, maswali yamekwisha na kama mtakavyoona muda wetu, wengi sana nimewanyima nafasi ya kuuliza maswali ya nyongeza, lakini mtaona hata muda ambao tumeutumia bado umezidi zaidi. Kwa hiyo, bado ipo haja ya kuangalia namna ya majibu yetu kuwa mafupi zaidi sote kwa pamoja.

Kuna marekebisho tu kwenye *Hansard* kuhusiana na swali la nyongeza lililoulizwa na Mheshimiwa Halima Mdee kuhusu taarifa ile ya mashamba kuletwa na Serikali Bungeni. Kwa vile taarifa ile ilitokana na Azimio la Bunge inatakiwa itakapokuja Bungeni ipite kwanza kwenye Kamati ya Ardhi, Maliasili na Mazingira. Kwa mazingira hayo itakuwa vigumu sana kuja katika Bunge hili, lakini tunaamini kwenye Bunge lijalo taarifa hiyo itapatikana. Tunaomba na Kamati hiyo ya Ardhi, Maliasili na Mazingira ikae sawa ili kupitia ripoti hiyo kabla haijaja rasmi hapa Bungeni.

Naomba kuwatambulisha wageni, wanafunzi 125 kutoka Chuo cha Maendeleo na Ustawi wa Jamii, Dodoma karibuni sana sana, karibuni Bungeni wanafunzi wa kutoka Chuo ch Maendeleo na Ustawi wa Jamii, Dodoma.

Wanafunzi 80 toka shule ya St. Peter Clever Dodoma ambao ni wageni wa Mheshimiwa wa Jenista Mhagama,

St. Peter Clever karibuni sana sana wanafunzi toka St. Peter Clever. Hii ni moja ya shule maarufu sana hapa Mjini Dodoma na shule inayofanya vizuri sana katika matokeo ya mitihani. Karibuni sana wanafunzi na Walimu wa St. Peter Clever. Wazazi wengi mnaowapenda watoto wenu, mjitahidi kuwapeleka kwenye shule ya St. Peter Clever, Dodoma hapa ni nzuri sana. *(Makofi)*

Wakulima 12 wa zao la korosho ambao ni wageni wa Mheshimiwa Majaliwa Kassim Majaliwa. Wakulima 12 wa zao la korosho karibuni sana popote pale mlipo. Karibuni sana. *(Makofi)*

Matangazo ya kazi Mheshimiwa William Ngeleja Makamu Mwenyekiti, Kamati ya Bunge ya Katiba, Sheria na Utawala anawaomba Wajumbe wa Kamati hiyo wakutane Ukumbi wa Msekwa "B" saa saba mchana. Kamati ya Katiba, Sheria na Utawala Msekwa "B" saa saba mchana.

Mkurugenzi wa Utawala na Rasilimaliwatu Bunge anawaomba Wabunge wote ambao hamjajaza maelezo Binafsi kuhusu Bima ya Wabunge mwende mapokezi, yupo mtumishi wa Bunge anaitwa Frank Mbumi ili aweze kuwapa fomu za kujaza kuhusiana na masuala hayo ya Bima ya Afya. Fomu hizo ni muhimu kwa Wabunge wote kwa ajili ya kuandaa taratibu za Bima ya Afya kwa Wabunge na familia zenu. Wabunge ndiyo kundi ambalo mpaka sasa bado hamna Bima ya Afya.

Mheshimiwa Murtaza Mangungu anawaomba Wabunge wa kutoka Mikoa ya Lindi, Mtwara na Wilaya ya

Tunduru mkutane Ukumbi wa Msekwa saa saba mchana. Katibu. Nimekuona Mheshimiwa *Engineer* Mnyaa!

MHE. ENG. MOHAMED HABIB JUMA MNYAA:
Mheshimiwa Naibu Spika, kwa hekima ya busara ya Kiti chako, naomba mwongozo kuhusiana na *Order Paper* ya leo kwamba wiki iliyopita tulipewa ratiba ya Bunge ambayo siku ya leo kulitakiwa kuweko na Muswada wa Takwimu. Lakini tofauti na *Order Paper* ya leo ambapo kuna Muswada unaohusiana na Vyama vya Ushirika.

Mheshimiwa Naibu Spika, hata katika Bunge lililopita tulipewa *Parliamentary calendar* ambayo ilikuwa inatueleza kwa yakini kwamba, vile vipindi vya Kamati za Bunge, mkatueleza Bunge lenyewe mpaka kufikia *Constitutional Assembly* ambapo kulikuwa na maelezo kwamba, Bunge hili ambalo kikao hiki cha Kumi na Mbili tungeweza kuanzia Agosti, 26 mpaka Septemba 19, baadaye kukaja mabadiliko kwamba sasa hivi itakuwa Agosti 27 mpaka Septemba, 13 na leo tunaona tofauti.

Mheshimiwa Naibu Spika, kwa kutumia busara na hekima ya Kiti chako, kukitokea mabadiliko huwa tunaelezwa katika ile ratiba, sasa hivi hatufahamu lolote na hizi ratiba zikikaa sawa zinatusaidia sisi Wabunge kupanga mipangilio yetu vizuri.

Mheshimiwa Naibu Spika, unaweza ukatupa mwongozo wako nini kinaendelea na lini tutapewa ratiba ambayo ina uhakika na iliyokaa sawa? Ahsante.

NAIBU SPIKA: Waheshimiwa Wabunge kwanza tuelewane kwamba, Miswada inayotajwa hapa ni Miswada ya Serikali. Kwa hiyo, Serikali ambayo ndiyo yenye Muswada wao kwa kweli wana sehemu kubwa sana ya kuuleta au kuutoa. Vile vile tukumbuke ili Muswada uweze kuingia hapa, inapita katika michakato mingi na hatua nyingi. Mpaka majuzi Kamati ya Kilimo, Mifugo na Maji ilikuwa bado inaendelea na mchakato wa kuitazama Sheria hii ya Ushirika.

Kwa hiyo, isingeweza kuingia kwa ratiba ilivyokuwa mwanzo. Kwa hiyo, sasa shughuli hiyo imekamilika na Muswada huo wa Ushirika unaweza kabisa kwa sasa kuingia hapa Bungeni baada ya kupitia katika hatua zake zote. Kwa hiyo, tuvumiliane kwa tofauti ndogo ndogo za ratiba lakini tumekuwa tukiwasiliana kwa maana ya Kambi ya Chama Tawala inajua na Kambi Rasmi ya Upinzani Bungeni inazo taarifa kwamba leo ni Ushirika. Kama mawasiliano hayakuwa yamekaa vizuri tuwiane radhi katika hili tutarekebisha katika siku zijazo.

MISWADA YA SHERIA YA SERIKALI

Muswada wa Sheria ya Vyama vya Ushirika wa mwaka 2013 [*The Cooperative Societies Bill, 2013*]

(Kusomwa Mara ya Pili)

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THE COOPERATIVE SOCIETIES ACT, 2013

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NOTICE

This Bill to be submitted to the National assembly is published for general information to the public together with a statement of its objects and reasons.

Dar es Salaam,
10th January, 2013

OMBENI Y. SEFUE,
Secretary to the Cabinet

A BILL
for

An Act to provide for the establishment of the Tanzania Cooperative Development Commission; for the formation, constitution, registration and operation of cooperative societies; for promotion of cooperative development and for other matters incidental to or connected thereto.

ENACTED by Parliament of the United Republic of Tanzania.

PART I
PRELIMINARY PROVISIONS

Short title and commencement
1. This Act may be cited as the Cooperative Societies Act, 2013 and shall come into operation on such date as the Minister may, by notice published in the *Gazette* appoint.

Interpretation

2. In this Act, unless the context otherwise requires-

“agricultural inputs” means supplies needed for agricultural production and includes building materials, fertilizer, dip, veterinary preparations, seed, animal feeding stuff, breeding stock, draught animals, planting material, farm implements, land tools, fencing material, petroleum products and other supplies and equipments;

“agricultural produce” means the produce of farms, gardens, orchards, greenhouses, forests, poultry, beekeeping, dairy and fishing and includes animal and fish products;

“agricultural society” means a society whose principal object is the business of supplying inputs for agricultural crop production, purchasing, processing, marketing and distribution of agricultural produce;

“annual net balance” means such portion of the net surplus for any year as remains after deductions have been made from it in respect of the reserve fund, the share transfer fund and such other appropriations as it may be necessary or desirable to make for the proper conduct of the society's business, and after a dividend has

been paid on the share capital;

“annual net surplus” means such portion of the total income received or accrued during any year, as remains after deductions have been made from it in respect of all recurrent expenditure incurred during that year and after adequate provisions have been made for bad debts, depreciation, taxation and losses;

“apex” means a society the membership of which is restricted to secondary societies and which is established to facilitate the operations of all primary and secondary societies;

“Assistant Registrar” means an Assistant Registrar appointed under section 13 to perform the functions of the Commission;

“bank” means a cooperative bank registered at the secondary or tertiary society level;

“Bank” means the Bank of Tanzania established under the Bank of Tanzania Act;

“basic units” means localities within the area of operation of a society from which delegates to the general meeting can be drawn;

“Board” means the governing body of a registered society to whom the management of its affairs is entrusted;

“bonus” means such portion of the

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annual net balance as may be distributed to members in consideration and on the basis of their patronage of the society's business or their participation in such business;

"Chairperson" means a chairperson of the Commission appointed under section 8;

"Commission" means the Tanzania Cooperative Development Commission established under section 7;

"Commissioner" means a Chairman and other members of the Commission;

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"company" means a company registered under the Companies Act;

"cooperative financial institution" means a society registered to render financial and insurance service;

"cooperative inspector" means a cooperative officer employed by the Commission to perform regulatory functions of the Commission;

"cooperative promotion officer" means a cooperative officer employed as such to perform promotion functions of the Commission;

"cooperative society" means a society registered under this Act and includes a primary society, a secondary society, apex and the federation;

"Corporation" means the Cooperative

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Audit and Supervision Corporation established under the Cooperative Audit and Supervision Act;

“delegate” means:

(a) in the case of a primary society in which the general meeting of members is substituted by a meeting of delegates, the representative of a specified number of individual members who is elected or appointed to attend and vote at a meeting of delegates; and

(b) in the case of a society which is itself a member of another society, the representative of the former elected or appointed to attend and vote at a meeting of the latter society;

“dividend” means the sum paid on the share capital invested in a society;

“economic viability of a society” means the ability of a society to conduct its affairs as provided for in the by-laws made under this Act;

“federation” means a cooperative society whose members are apexes, specialized primary and secondary cooperative societies;

“financial cooperative” refers to a non bank financial institution whose primary activity is to furnish secured or unsecured loans to households, small holder producers and small and micro-

enterprises of rural and urban sectors;

“fund” means the Inspection Fund established under section 76 of this Act;

“industrial society” means a registered society whose principal objectives are manufacturing or making or servicing or assembling of industrial goods and whose members are respectively manufacturers, craftsmen, artisans, industrial workers and apprentices;

“joint enterprise” means an association of two or more societies which join together for a purpose of operating an economic enterprise;

“member” includes a person or a registered society joining in the application for the registration of a society, and a person or a registered society admitted to membership after registration in accordance with the by-laws and rules made under this Act;

“microfinance companies” means non bank financial institutions with substantive core capital whose primary activity is to furnish secured and unsecured loans to households, smallholder producers and small and micro enterprises both in rural and urban areas;

“Minister” means the Minister responsible for cooperatives;

“officer” means any officer of a society

and includes chairman, vice-chairman, secretary, treasurer, member of the Board, general manager, chief accountant, or any other person empowered under the regulations or by-laws made under this Act to act on behalf of registered society;

“pre-cooperative groups” means organizations of an economic and social nature set up voluntarily by individuals having common interests and working together as a society;

“primary society” means a registered society whose members are individual persons or an association of such individual persons and any cooperative body other than a body registered under the Companies Act;

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“probationary societies” means the cooperative society which has not fulfilled the compliance of registration as specified under section 37 of this Act;

“promotion” means provision of services to the general public and cooperative members that contribute or lead to the formation, growth and prosperity of cooperative societies;

“prosecutor” means a government officer entrusted with duties of prosecuting cases originating from

- cooperative societies;
- “register” means the register of cooperative societies established by the Registrar in terms of this Act;
- “registered society” means a cooperative society registered or deemed to have been registered under this Act and includes a probationary society;
- “Registrar” means a person appointed under section 11 to perform functions of the Commission in terms of this Act;
- “regulatory function” means functions geared towards ensuring compliance to the laid down laws, orders, rules, regulations, guidelines and includes registration, deregistration, inspection and supervision of cooperatives;
- “savings and credit cooperative society” or in its acronym “SACCOS” means a registered society whose principal objects are to encourage thrift among its members and to create a source of credit to its members;
- “school society” means a society the membership of which is restricted to the pupils of a school;
- “secondary society” means a registered society whose membership is open only to primary societies which are its members;
- “specialized skills” means an expertise possessed by any person in such

particular field as may be described in the regulations.

PART II

THE OBJECTS OF COOPERATIVE SOCIETIES

Objects of cooperative societies

3.-(1) The objective of the cooperative societies shall be based in the promotion of the economic and social interests of its members by means of common undertaking, based upon mutual aid and which conforms to the cooperative principles of a society which is established for the purpose of facilitating operations of societies.

(2) Except as otherwise provided for in this Act, cooperative principles and methods used in the operation and administration of a society shall be-

- (a) voluntary organizations, open to all persons able to use their services and willing to accept the responsibilities of membership, without gender, social, racial, political or religious discrimination;
- (b) democratic organizations controlled by their members who actively participate in setting their policies and making decisions, men and women serving as elected representatives and accountable to the membership;

- (c) members contribute equitably to, and democratically control the capital of their cooperative;
- (d) autonomous self help organizations controlled by their members, if they enter into agreement with other organizations, including government, or raise capital from external sources, they do so on terms that ensure democratic control by their members and maintain their cooperative autonomy;
- (e) the organizations which provide education and training for their members, elected representatives, managers and employees so that they can contribute effectively to the development of their cooperatives;
- (f) organizations which inform the general public, particularly young people and opinion leaders about the nature and benefits of cooperation;
- (g) organizations which serve their members most effectively and strengthen the cooperative movement by working through local, national and international structures ;
- (h) organizations which work for the sustainable development of their communities through

policies approved by their members.

Duty of Government to Cooperative Societies

4. The Government shall provide and create conducive social, economic and legal environment for the development and prosperity of cooperative societies.

Minister to encourage cooperative development

5. The Minister shall, upon consultation with the Commission, take such measures as he considers necessary for the encouragement generally of cooperative development for economic, social and cultural purposes and human advancement on the basis of self-help and in particular, for the encouragement of the organization of cooperative societies as a means of-

- (a) improving the economic situation of their members;
- (b) contributing to the economy and increased measure of self-reliance and democratic control of economic activity;
- (c) increasing personal and national capital sources by encouragement of thrift, prevention of usury and the wise use of credit; and
- (d) raising the level of general and technical knowledge of members of societies.

Responsibilities of the Minister

6.-(1) The Minister may, for the purpose of encouraging cooperative

development under section 5, take such measures which are not detrimental to the interests of the members as he considers necessary to-

(a) facilitate the financing of societies, where necessary, for their establishment and operation; and

(b) provide for such advice as may be necessary to assist officers and members of societies to achieve their objects.

(2) The Minister may encourage educational institutions to teach, conduct research, offer consultancy services and perform other relevant duties pertaining to cooperative development in the country.

PART III
THE TANZANIA COOPERATIVES DEVELOPMENT
COMMISSION

Establishment
of the
Commission

7.-(1) There is established a Commission to be known as the Tanzania Cooperatives Development Commission.

(2) The Commission established under subsection (1), shall be an independent department of the Government under the Ministry responsible for cooperative development.

Composition
of Commission

8.-(1) The Commission shall consist of-

- (a) a Chairperson, who shall be appointed by the President;
- (b) seven other members to be appointed by the Minister from public and private sectors as follows-
 - (i) one member representing a higher learning institution providing cooperative education or training;
 - (ii) one member nominated by the Attorney General from amongst senior state attorneys conversant with cooperative matters;
 - (iii) two members of whom, one member shall be nominated from financial cooperative societies and another member from an umbrella organisation of non financial cooperative societies;
 - (iv) one member nominated by the Minister responsible for local government authorities;
 - (v) one member from the Ministry responsible for cooperatives; and
 - (vi) one member who shall be nominated from amongst an association of private sector institutions engaged in cooperative matters.

(2) A Commissioner shall, at all times, while discharging his duties, act honestly, diligently and in the best interests of the Commission.

(3) The Registrar shall be the secretary to the Commission.

(4) The First Schedule to this Act shall have effect regarding the proceedings and other matters of the Commission.

(5) The Minister may amend or vary the provisions of the First Schedule.

Functions of
the
Commission

9.-(1) The functions of the Commission shall be generally to regulate and promote development of the cooperative sector.

(2) Without prejudice to the generality of subsection (1), the functions of the Commission shall:

(a) for the purposes of regulating cooperative societies -

(i) register and deregister cooperative societies;

(ii) inspect and supervise cooperative societies;

(iii) keep and maintain the register of cooperative societies;

(iv) ensure publication of the names of registered or de-registered society in the *Gazette*;

(v) determine disputes and complaints arising from cooperative societies;

- (vi) collaborate with Regional Administrative Secretaries on the implementation of regulatory functions of cooperative development;
- (vii) supervise the performance of such other regulatory functions as may be required in accordance with the provisions of this Act;
- (b) for the purposes of promoting development of cooperative sector-
 - (i) supervise, coordinate and collaborate with sectoral ministries, Local Government Authorities and such other stakeholders undertaking cooperative promotional responsibilities;
 - (ii) encourage and promote the development of viable and sustainable cooperative societies;
 - (iii) raise awareness to the general public, youth and other groups on the nature and benefits of cooperative societies;
 - (iv) facilitate the formation of cooperative societies which are accountable to their members and communities;

- (v) provide education and training to members and staff of cooperative societies pertaining to cooperative management;
- (vi) advise the Minister on all matters relating to cooperative development and management;
- (vii) provide services designed to assist in the formation, management, organisation and operation of societies;
- (viii) coordinate the economic plans of cooperative societies for the incorporation in the national plan;
- (ix) implement or cause to be implemented policies on the cooperative development;
- (x) facilitate and enhance linkages among stakeholders both locally and internationally;
- (xi) create conducive environment for the cooperative movement networking in the areas of production, processing, marketing, financing and investment;

- (xii) maintain and disseminate or cause to be disseminated the information relating to cooperatives and cooperative development to stakeholders;
- (xiii) conduct research as may be necessary for the development of cooperative societies;
- (xiv) advise primary societies, secondary societies or other categories of cooperative societies on the formation of federation of cooperative societies; and
- (xv) ensure that the federation formed, provides organizes and supervises effective centralized services for the members.

Powers of the Commission

- 10.** The Commission may-
- (a) establish such number of divisions, sections, units and offices as it may consider necessary for proper discharge of its functions; and
 - (b) appoint agents or employ such number of staff to manage, administer or perform the functions of the Commission under this Act.

Registrar

11.-(1) There shall be the Registrar of Cooperative Societies who shall be appointed by the President.

(2) A person shall be eligible for appointment as a Registrar if that person-

- (a) has held a senior position in the public service for at least ten years;
- (b) has a proven knowledge and experience in matters relating to cooperatives; and
- (c) is of high integrity and competent in good governance.

(3) The Registrar shall be the Chief Executive Officer of the Commission and shall subject to section 9, be the overall in charge of the operations of the Commission and shall be responsible for-

- (a) administration and management of the affairs of the Commission;
- (b) management of the funds, property and business of the Commission;
- (c) keeping custody of the seal of the Commission or such other device as may be approved by the Commission;
- (d) maintaining records of all activities of the Commission;
- (e) establishing, keeping and maintaining the register of cooperative societies;

- (f) implementing all resolutions of the Commission; and
- (g) performing any other functions as may be directed by the Commission.

(4) The Registrar shall have a seal or such other device as may be approved by the Commission.

Deputy Registrars

12.-(1) There shall be the Deputy Registrar in charge of regulatory functions and the Deputy Registrar in charge of promotional functions to be appointed by the President.

(2) A Deputy Registrar appointed under subsection (1) shall-

- (a) in the case of regulatory functions, undertake the functions stipulated under section 9(2)(a); and
- (b) in the case of promotional functions, undertake the functions stipulated under section 9(2)(b).

(3) The Deputy registrars shall in the performance of their respective functions under this Act be answerable to the Registrar.

Appointment of Assistant Registrars

13.-(1) The Commission, shall appoint such number of Assistant Registrars from amongst Principal Cooperative Officers as may be necessary for efficient discharge of the functions of the Commission.

(2) An Assistant Registrar appointed

in accordance with the requirement of subsection (1), shall carry out such duties as may be assigned to him by the Deputy Registrar in charge of regulatory functions, or as the case may be, the Registrar.

Staff of the Commission

14.-(1) The Commission may appoint or employ such number of staff in various categories as the Commission considers necessary for the discharge of its functions under this Act.

(2) The staff of the Commission shall, subject to terms and conditions of services, receive such salaries, allowances or benefits.

Cooperative officers under Regional Secretariat and Local Government Authorities

15.-(1) A Cooperative officer employed as such under Regional Secretariat and Local Government Authorities shall, when executing the functions specified under section 9(2)(b) be deemed to be performing the functions of the Commission.

(2) The Commission may, for the purpose of facilitating the performance of functions under subsection (1), issue general or specific directives to the cooperative officers referred to under this section, and the officers shall comply with such directives.

Cooperative development plan

16.-(1) For the purpose of the promotion of the cooperative societies, each local government authority shall formulate a cooperative development

plan for implementation within its locality.

(2) A cooperative development plan formulated by local government authority shall be approved by the Commission before its implementation.

Commission may call for information

17.-(1) The Commission may, in writing, require any person who undertakes or engages in any activity affecting or relating to cooperative matters to furnish to the Commission any information as the Commission may specify.

(2) A person who refuses or fails to furnish information as required under subsection (1) commits an offence under this Act.

Powers of Minister to give directives and require information

18.-(1) The Minister may issue to the Commission general or specific directives relating to cooperative development.

(2) The Commission shall, upon receipt of directives of the Minister, furnish to him returns, statistics, accounts, documentations or information with respect to the performance of any of its functions or exercising of its duties under this Act.

Commission to maintain collaboration

19. For the purposes of better performance of its functions, the Commission shall establish and maintain a system of collaboration, consultation and co-operation with other institutions or persons, who are within or outside the

United Republic, as the Commission considers necessary for the effective and efficient discharge of its functions.

PART IV
FORMATION AND ORGANIZATION OF COOPERATIVE
SOCIETIES

Structure of
the
cooperative
societies

20.-(1) The structure of cooperatives shall be made up of primary societies at the grass root level and the federation at the top level.

(2) Subject to the wishes of members constituting a particular society, the structure may be comprised of middle level societies such as secondary societies and apexes.

Formation of
primary
societies

21.-(1) A primary society may be formed by-

- (a) fifty or more persons for agricultural societies;
- (b) fifty or more persons for savings and credit cooperative societies;
- (c) ten or more persons for specialized skills societies; or
- (d) ten or more persons for other types of cooperative societies.

(2) A person may not be a member of a primary society unless he has the following qualifications-

- (a) that he has attained the minimum age of eighteen years and is of sound mind;
- (b) that he undertakes a trade or

occupation relevant to the society's object as defined in the by-laws;

(c) that he has a common need which the society seeks to satisfy;

(d) that he is capable of paying fees and acquiring shares.

(3) Notwithstanding the provisions of sub-section (2), a person who has the minimum age of fifteen years referred to as a minor may become a member of a cooperative society:

Provided that, such a person shall not be eligible to be a member of the Board unless he has attained the age of eighteen.

(4) A person who has not attained the age of fifteen but is attending school may be a member of a school society established for the school.

Societies
may affiliate

22.-(1) Subject to the provisions of this Act, primary societies may form secondary societies and secondary societies may form apex societies and a federation may be formed by apex societies.

(2) Where a primary or secondary cooperative society is unable to join into a secondary or apex society due to its nature and desire of its members, it may be allowed to become a member of the federation.

(3) A financial cooperative society may be formed by savings and credit

societies and other types of cooperative societies.

Registrar
may advise
societies

23. Where the Registrar considers that a secondary society or apex society in relation to any area is economically viable, he may advise any primary society or secondary society or category of cooperative societies operating within that area to join the secondary society or apex society by notice in writing served on the society or category of cooperative societies as the case may be.

Objects of
primary
society

24. The objects of a primary society shall be-

- (a) to strive to raise the standard of living of its members;
- (b) to facilitate the operations of the individual members;
- (c) to provide services to its members, including supplying agricultural inputs, collecting, processing and marketing of the products of its members;
- (d) to provide relevant information of its undertakings; and
- (e) to do any other thing which in its opinion is connected with or is ancillary to the objects set out in paragraphs (a) to (c).

Objects of
secondary
and apex

25.-(1)The objects of secondary societies shall be-

- (a) to facilitate the operation of

societies

- member primary societies;
- (b) to provide services to primary societies as will be provided for in the by-laws of the secondary societies;
- (c) to collect, process and sell products of member societies;
- (d) to provide consultancy services to member societies;
- (e) to provide relevant information of its undertakings; and
- (f) to do any other thing which in its opinion is connected with or is ancillary to objects set out in paragraphs (c) to (d).

(2) The objects of apex societies shall be-

- (a) to facilitate the operation of secondary societies which are its members;
- (b) to provide services to secondary societies as will be provided for in the by-laws of the apex societies; and
- (c) to do any other thing which in its opinion is connected with or is ancillary to the objects set out in paragraphs (a) and (b).

Objects of federation

26.-(1) Where the federation is formed and registered, shall provide, organize and supervise effective centralized services for the member societies and for cooperative education and training and such other services as

may be necessary or expedient for its members.

(2) Without prejudice to the generality of subsection (1), the federation may perform any of the following functions-

- (a) render services designed to ensure efficiency and uniformity in the business of its member societies;
- (b) print, publish and circulate any newspaper or other publication designed to foster or increase interest in cooperative enterprises, principles and practices;
- (c) provide relevant information of its undertakings;
- (d) coordinate the economic plans of the member societies and to forward them to the Commission for the incorporation in the national plan;
- (e) carry on, encourage and assist educational and advisory work relating to cooperative enterprises, and without limiting the generality of the foregoing, to advise the Commission on cooperative education and operating methods, and for that purpose may prepare and provide correspondence courses regarding cooperative principles and operating

methods and may disseminate information on cooperative development, principles and practices;

(f) represent its member societies in international conferences; and

(g) do any other thing which in its opinion is connected with or is ancillary to the above enumerated objects.

Societies may form joint enterprise or enter into joint ventures

27.-(1) Where it is necessary or desirable for the efficient operation of a business or economic enterprise that need to be operated by two or more societies, such societies may form a joint enterprise, subject to the approval and such limitations as the Registrar may generally impose, for the purpose of operating and carrying on such a business and the Registrar may register such a body under this Act.

(2) The societies which form a joint enterprise as provided for under subsection (1), may form a joint Board for the purpose of managing that joint enterprise:

Provided that, such an association shall have no right of separate representation either in the secondary society or the federation.

(3) A cooperative society may join with private or public company to form a joint venture:

Provided that, the Registrar shall, in writing, signify the approval of the joint venture.

Types of societies

28. The Registrar may register the following types of societies-

- (a) agricultural cooperatives which are designed to deal with crop production, collecting, processing, marketing, distribution, and any such activities as may be provided for in the Regulations and by-laws;
- (b) savings and credit cooperatives, cooperative financial institutions, microfinance institutions, and Cooperative banks whose primary activities are to mobilize savings and furnish secured and unsecured loans or credit to households, smallholder producers, entrepreneur, micro-enterprises in rural and urban areas;
- (c) consumer cooperatives designed to deal with wholesale and retail business amongst members;
- (d) industrial cooperatives for production, manufacturing and sale of goods;
- (e) housing cooperatives designed to deal with building, construction and housing

- programmes for members;
- (f) livestock cooperative societies designed to deal with the needs of members in animal husbandry, livestock keeping and dairy farming;
- (g) fisheries cooperative societies designed to deal with fishing, processing and marketing of fish and other sea products;
- (h) producers' cooperatives for agricultural, forestry or other natural products;
- (i) mining cooperatives designed to deal with mining operations and mineral marketing; and
- (j) such other cooperatives as may be established.

Public education and awareness in formation of cooperatives

29. For the purpose of facilitating formation of cooperative societies, promotion officers shall provide public education and awareness on the-

- (a) significance of cooperative societies;
- (b) benefits of cooperative societies to individual members and the community as a whole;
- (c) types of cooperative societies and the procedures for the formation of cooperatives;
- (d) sustainability and management of cooperatives societies;
- (e) operations and the role of

cooperative societies in community development; and
(f) such other matters relevant for the formation and development of cooperative societies.

PART V
REGISTRATION OF COOPERATIVE SOCIETIES

Conditions for registration of societies

30.-(1) No society shall be registered under this Act unless it consists of at least the minimum number of persons each of whom is qualified for membership as provided for under section 21 of this Act.

(2) A secondary society that intend to deal with agriculture and marketing or financial services shall not be registered under this Act unless it has twenty members as registered societies.

(3) Notwithstanding the provision of subsection (2), secondary society for specialized cooperative society may be registered with five members as registered societies.

(4) A federation shall not be registered under this Act unless it has ten members who are registered societies.

(5) A savings and credit cooperative society shall not be registered under this Act unless its paid-up shares or minimum capital meets the amount prescribed by the Minister in the Regulations.

(6) For the purpose of this section,

“specialized cooperative society” means a registered society whose membership consists of specialized skills.

Application
for registration

31.-(1) Application for registration shall be made to the Registrar in the prescribed form and shall be accompanied by-

- (a) four copies of the proposed by-laws of the society, signed by the applicants;
- (b) a report of a feasibility study or project write-up indicating the viability of the society; and
- (c) such other information in regard to the society as the Registrar may require.

(2) The application form shall-

- (a) if the application is for primary society registration, be signed by fifty persons or such number of persons as the registrar may approve, and such persons shall be applicants who are qualified in accordance with the requirements of section 21;
- (b) if the application is for registration of secondary society other than secondary society for specialized cooperative society, be signed by authorized persons of at least twenty registered primary societies;
- (c) if the application is for apex society registration, be signed

by authorized persons of at least five registered secondary societies; and

(d) if the application is for federation registration, be signed by at least ten registered secondary societies and apex or specialized primary societies.

Consideration
of application

32.-(1) The Registrar shall after receiving applications under section 31 consider the contents of application for registration within ninety days from the date of the application.

(2) For the purposes of subsection (1), the Registrar may-

- (a) register the society and issue a certificate of registration;
- (b) require further information from applicants prior to registration;
- (c) refuse the application and inform the applicants in writing stating the reasons for refusal; or
- (d) defer registration of the society pending compliance with the directions or requirements.

(3) The Registrar may prior to effecting registration to any society or its by-laws, require the society to amend the by-laws so as to conform with such directions as he may give in that behalf.

(4) The society shall upon registration pay such registration fees as may be prescribed by the Commission.

(5) No society shall be registered unless the Registrar is satisfied that-

- (a) the volume of business from members of the society is sufficient to cover its costs;
- (b) proper provision has been made for the financing of the society;
- (c) no society exists in the same locality performing similar activities for people of the same class or occupation, and that the registration of another society would serve no useful purpose.

Refusal of registration

33.-(1) The Registrar may, if he is satisfied that the applicants have failed to meet the prescribed requirements for registration, refuse to register such applicant.

(2) Any person who is aggrieved by the decision of the Registrar in terms of the provisions under subsection (1) shall, within sixty days from the date of notification of the decision of the Registrar, appeal to the Minister.

(3) The Minister shall, within thirty days from the date of appeal, make a decision.

Certificate of registration

34. Where the Registrar effects registration, he shall issue a certificate of registration to the society, together, with a copy of the by-laws certified by him as having been approved and registered.

Evidence of registration

35. A certificate of registration signed by the Registrar shall be

conclusive evidence that the society mentioned in that certificate is duly registered unless it is proved that the registration of the society is cancelled.

Societies to be body corporate

36.-(1) The registration of a society shall render it a body corporate by the name under which it is registered, with perpetual succession and a common seal, and with power to own property, to enter into contracts, to institute and defend suits and other legal proceedings, to do all things necessary for the purposes laid down in its by-laws.

(2) All records or papers of the society, and seal shall not be removed from the premises of the society except in accordance with the provisions of this Act.

(3) The Registrar shall after registration of the societies, prepare and submit reports of registered societies to the Commission.

Probationary societies

37.-(1) Where the Registrar is unable to register a society by reason of non-compliance with any provision of this Act, Regulations or any direction given by him, but is satisfied that measures can be taken by the applicant to comply with the provision or direction given, he may by notice in writing-

(a) defer the registration of that society pending compliance with such provision or direction;

(b) transmit the notice of deferment to the persons by whom or on whose behalf application of registration is made.

(2) A notice of deferment shall, subject to the provisions of this section and any condition specified in that notice, entitle the society in respect of which it is issued to operate as a registered society.

(3) A society entitled to operate as a registered society under sub-section (2), shall be termed as probationary society and shall, while so entitled to operate, be deemed to be a body corporate with perpetual succession and common seal, and with power to hold movable and immovable property of every description, to enter into contracts, to institute and defend suits and other legal proceedings and to do all things necessary for the purpose for which it is constituted:

Provided that, no probationary society shall be entitled to operate as such society for a period exceeding two years and if after that period the Registrar is satisfied that a society registered under this section has failed to comply with any provision of this Act or any direction given under subsection (1), he shall cancel a notice of deferment of that probationary society.

(4) Where a probationary society is duly registered under Act, its certificate

of registration shall supersede its notice of deferment which shall thereafter cease to have effect and the society shall be deemed for all purposes to have been registered from the date on which the notice of deferment in respect thereof was issued by the Registrar.

Cancellation
of notice of
deferment

38.-(1) The Registrar may, cancel a notice of deferment by notice in writing to be addressed to the probationary society concerned and such notice of cancellation shall from the date thereof, operate as a refusal to register the society for the purpose of section 33:

Provided that, such cancellation shall not affect the validity of any transaction entered into by or with the society while notice of deferment was in force.

(2) Where the notice of deferment of a probationary society is cancelled under subsection (1) of this section, the Registrar may appoint a competent person to be a liquidator of the society.

(3) The provisions of sections 28, 31, 34, 42(4), 53(2) and (3), 59, 66, 78, 95, 98, 99 and 101 shall not apply to a probationary Society.

(4) A probationary society shall cause the fact that it is probationary society to be stated in legible roman letters in all bill heads, letter papers, notices, advertisements and other official publications of the society and

on a signboard in a conspicuous position outside any premises in which it operates.

(5) A probationary society which contravenes any of the provisions of subsection (4) and every officer of a probationary society which contravenes any such provisions, commits an offence and shall on conviction be liable to a fine of one hundred thousand shillings and in the case of a continuing offence, to a fine of one thousand shillings for ten day during which the contravention continues.

Pre-cooperative groups

39.-(1) Pre-cooperative groups shall be formed by a declaration in writing during a constituent meeting of at least five persons, which shall be submitted to the Registrar.

(2) Pre-cooperative groups shall be the only representatives to act for and on behalf of their members who shall have exclusive rights to their services.

(3) Pre-cooperative groups shall adopt their respective by-laws, which shall provide for-

- (a) objects, main activities, area of jurisdiction, name, head office and duration of the groups;
- (b) duties of its officials, duration of their term of office and their mode of appointment;
- (c) conditions for the admission and withdrawal of members;

- (d) the organization and functioning of the groups, in particular the appointment of officials, how decisions on loan applications are taken, investment decision, amendment of by-laws, the dissolution of the groups or its change of legal status;
- (e) the extent of members' activities with the groups; and
- (f) the liability of a member in respect of the debts of the groups and the basis on which it is calculated.

Appointment
for pre-
cooperative
groups

40.-(1) Each pre-cooperative group shall appoint a delegate in charge to represent it in all civil matters within the limits of the powers conferred on him by the regulations and discussions of the said groups.

(2) Officials of each pre-cooperative group shall keep simplified accounts to permit the periodic assessment of the reserves of the said groups and justify any changes, except that the intervals between such assessments shall not exceed two years.

(3) Officials of each pre-cooperative group shall keep a register of the members and accounts of individual contributions to the reserves of the said groups.

Recognition and registration of pre-cooperative groups

41.-(1) The Registrar shall upon being satisfied of the fulfillment of conditions under section 39, issue a letter of recognition of the cooperative group formation and register the pre-cooperative group for a term not exceeding three years.

(2) A pre-cooperative group may become a cooperative society after fulfilling conditions of registration of a cooperative society and if the pre-cooperative group fails to fulfill conditions of registration within three years, the letter of recognition shall be cancelled.

(3) For the purpose of this Act, Savings And Credit Associations (SACAS) may be recognized as pre-cooperative groups.

PART VI RIGHTS AND LIABILITIES OF MEMBERS

Restriction regarding members and societies liabilities

42.-(1) A person shall not exercise the rights of a member unless he has paid fifty percent or more of the required shares, entrance fees and any other dues.

(2) Without prejudice to the generality of subsection (1), the unpaid up shares shall be paid as may be prescribed in the by-laws of the society within a period of twenty four months from the date of payment of the initial shares.

(3) No person or a registered

society shall be a member of more than one registered society with similar objectives except with the sanction of the Registrar.

(4) The liability of a primary society, joint enterprises, secondary society, apex and federation shall be limited.

Vote of members

43. Every member of a registered society shall have one vote in the affairs of the society and shall be entitled to attend the general meeting of the society and to record his vote in regard to any matter for decision in such meeting:

Provided that, by-laws of a secondary society or a federation may provide for the attendance at general meetings of delegates from the member societies or other bodies who are members of such societies or federation and the member societies and such other bodies shall each be entitled to such number of votes and to vote in such manner, as may be prescribed by the Regulations and the by-laws of such societies or federation.

Rights of minors

44.-(1) A society may receive money on share account, or on deposit account, from or for the benefit of a minor, and it shall be lawful for the society to pay such minor dividend or interest which may become due on such shares or deposits.

(2) Any payment or deposit made

on behalf of a minor pursuant to subsection (1) may, together with any dividend or interest, be paid to the guardian of that minor for the use of the minor.

(3) The receipt of any minor or guardian for money paid to him under this section shall be sufficient discharge of the liability of the society in respect of that money.

(4) The Minister may make Regulations prescribing the rights that a minor may have in a society.

Contract
with minors

45. Notwithstanding the provisions of this Act or of any other written law to the contrary, any person being a minor who has been admitted as a member of a society shall not be prevented from executing any instrument or giving any acquaintance necessary to be executed or given under this Act or the Regulations, and any contract entered into by such person with the society, whether as principal or as surety, shall be enforceable at law as against such person.

Restriction
regarding
members
shares

46.-(1) No member other than a registered society shall hold more than one fifth of the share capital of any cooperative society.

(2) A member of a registered society shall not transfer any share held by him or his interest in the capital of the

society or any part thereof unless-

(a) such a member has held such share or interest for not less than five years;

(b) the transfer is made to the society or to a member of the society or to a person whose application for membership has been accepted by the Board; and

(c) such a person has ceased to have the qualifications laid down in section 21(2)(b)-(d).

(3) No transfer of a share or other interest shall be valid and effective unless-

(a) such transfer and the name of the transferee has been registered on the directions of the Board of the society;

(b) the valuation thereof has been done.

Liability of member

47.-(1) Except as provided for in subsection (2) of this section, the liability of a member, if any, unpaid on the shares held by him, and his liability shall be known as liability limited by shares.

(2) Where in the by-laws of the society the amount of liability of a member is expressed to be greater than the nominal value of the share held by him and such amount is expressly stated that the liability of such a member shall extend to such greater amount, and his liability shall be known as liability by

guarantee.

(3) Every registered cooperative society shall, after every three years of valuation done pursuant to section 46(3)(b), make revaluation of its assets and shares, and such revaluation shall be done by an authorized valuer.

(4) A registered cooperative society which, upon revaluation, fails to retain value of share capital which is above twenty percent, the Board members of such society shall be held responsible for the fall of the value of share capital and shall automatically cease to be Board members of such society:

Provided that, a Board member shall not be held responsible for the fall of value of share capital caused by natural calamities.

Liability of
past member

48. The liabilities of a past member for the debt of a registered society as they existed at the time when he ceased to be a member shall, notwithstanding the provisions of any written law to the contrary, continue for such period as the by-laws of the society shall provide from the date of his ceasing to be a member:

Provided that, in the case of a cooperative society with limited liability, if the first audit of the accounts of such society after ceasing to be a member discloses that the society is solvent, the financial liability of such past member

shall cease forthwith.

Liability of
deceased
member

49.-(1) The estate of a deceased member, shall, notwithstanding the provisions of any written law to the contrary, be liable for a period of one year from the time of his death for the debt of the registered society as they existed at the time of his death.

(2) Notwithstanding subsection (1), if the society is wound up immediately after a period of two years from the time of the death of a deceased member, no liability of such estate of the deceased or past member shall continue until the liquidation proceedings of the society are completed but such liability shall extend only to the debt of the society as at the time of his death or of his ceasing to be a member.

Membership
of company
Cap. 212

50.-(1) No company incorporated or registered under the Companies Act and no unincorporated or registered body of persons shall be entitled to become a member of a registered society except with the written permission of the Registrar and subject to such Regulations as may be made under this Act.

Cap. 212

(2) A company registered under the Companies Act may, by a special resolution as defined in that Act, and with the prior approval of the Registrar, determine to convert itself into a cooperative society.

Public education and awareness on rights and liabilities of members

51.-(1) The cooperative promotion officers may, subject to this Act or any other written law and for the purpose of creating awareness to members, provide public education or awareness to members on their rights, obligations and liabilities as members of cooperative society.

(2) Procedures for providing public education may be prescribed in the Regulations.

PART VII DUTIES AND PRIVILEGES OF REGISTERED SOCIETIES

(a) Duties of Registered Societies

Duties of registered societies

52. Every registered society shall-

- (a) have a registered address to which all notices and communications shall be sent, and shall send to the Registrar a notice of every change thereof;
- (b) keep a copy of this Act, Regulations and its by-laws open for perusal free of charge, at all reasonable times at the registered address of the society;
- (c) maintain a register of its members in such manner as may be prescribed by the Regulations and shall enter therein any particulars as prescribed by the Regulations.

Power to
make by-laws

53.-(1) Every registered society shall have power to make by-laws for any such things as are necessary or desirable for the purpose for which such a society is established.

(2) Without prejudice to the generality of subsection (1), every registered society may make by-laws prescribing-

- (a) the name and registered address of the society;
- (b) the area of the operation of the society;
- (c) the objects for which the society is established;
- (d) the purpose to which the funds of the society may be applied, and the mode of their custody and investment;
- (e) the qualifications for membership of the society, the terms of admission of members, shares, the entrance fees and the mode of election;
- (f) the nature and extent of the liability of members;
- (g) the withdrawal and expulsion, suspension of members and the payment, if any to be made to such members;
- (h) the transfer of shares or interest of members;
- (i) the manner of conducting meetings of the society and the powers of such meetings;

- (j) the appointment, suspension and removal of members of the Board and officers and the powers and duties of the Board and officers;
- (k) the authorization of an officer to sign documents and to use the seal on behalf of the society.

(3) Where the objects of the registered society include the creation of funds to be lent to the members, additional by-laws shall be made in respect of-

- (a) conditions on which loans may be made to members which shall include-
 - (i) the rate of interest;
 - (ii) the maximum period which can be granted for the repayment of a loan;
 - (iii) the maximum amount which may be lent to a member;
 - (iv) the purpose of loans;
 - (v) security for payment;
 - (vi) the consequences of default in payment of any sum due on account of shares or deposits or loans and the consequences of failure to use a loan for the purpose for which it was granted;
- (b) the disposal of the annual net

surplus;

(c) other matters consonant with regulations pertaining to Microfinance Institutions and Financial Cooperatives.

(4) A by-law made under this section may empower a registered society to impose a fine upon a member of the society for the breach of the by-law of which the fine shall be recoverable by the society as a civil debt:

Provided that, no fine may be imposed under the by-laws, on any member unless-

(a) the member on whom the fine is intended to be imposed has been served with a notice, in writing, of the intention to impose the fine; and

(b) the member has failed to show cause within the time prescribed in the notice as to why the fine may not be imposed on him.

Amendment
of by-laws of a
registered
society

54.-(1) Any registered society may, subject to the provisions of this section, amend its by-laws and submit the amendments to the Registrar for registration.

(2) The Registrar shall-

(a) if he is satisfied that the

amendments of the by-laws are not contrary to this Act, register the amendments; or

(b) refuse to register the amendments and notify the society accordingly.

(3) Where the Registrar registers an amendment of the by-laws of a registered society, he shall issue to the society a copy of the amendments certified and sealed by him, and such copy so certified and sealed shall be conclusive evidence of the fact that the amendments have been duly registered.

(4) An amendment which changes the name of the society shall not affect any right or obligation of the society or any of its members or past members, and any legal proceedings pending may be continued by or against the society under its new name.

(5) No amendment of the by-laws of a registered society shall be valid until that amendment has been registered under this Act.

(6) A society may, within two calendar months from the date of notification to it by the Registrar of his refusal to register an amendment of any by-laws, appeal to the Commission against that refusal.

By-laws of a registered

55.-(1) Every by-laws of a registered society shall upon registration be binding

society to
bind members

upon the society and the members thereof to the same extent as if the by-laws were signed by each member of the society and contained covenant by each such member to observe the provisions of the by-laws.

(2) Any dispute arising out of the interpretation of a by-law of registered society shall be referred to the Registrar.

Accounts
and Audit

56.-(1) Every registered society shall, with the approval of the general meeting, employ an Internal Auditor or such number of Internal Auditors as are necessary for the efficient checking of the accounts of the society.

(2) Every registered society shall, keep proper accounts and other records in relation thereto and shall within three months prepare in respect of every year a statement of accounts in a form which conforms to the best accounting standards.

(3) The accounts of every registered society except for cooperative banks shall be audited at least once in a year by the corporation or any such competent and registered auditor appointed by the general meeting and approved by the Registrar.

(4) The accounts of cooperative banks shall be audited at least once a year by auditors appointed by the general meeting and approved by the Registrar upon consultation with the

Bank.

(5) As soon as the annual accounts of a registered society have been audited the society shall cause to be sent to the Registrar a copy of the audited balance sheet and statement of income and expenditure prepared in respect of that year together with any report made by the auditors thereon.

(6) The auditor's report referred to under subsections (3) and (4) shall include an examination of the balance sheet and related income statement and valuation of assets and liabilities of the registered society.

(7) Where the accounts of a society have been audited and adopted by the general meeting of the society and approved in accordance with subsection (3) and (4) shall be conclusive, except as regards any error discovered therein within six months following the date of such approval and except as regards any allegation of fraud, and whenever any such error is discovered within that period the accounts shall forthwith be corrected with the approval of the Registrar and thereafter shall be conclusive.

(8) In the event a society fails to prepare a statement of accounts within a period of three months in respect of the business of its previous financial year, the members of the relevant Board of the society shall lose their membership of the Board and shall not be eligible for re-

election to the Board for the next six years.

(9) Without prejudice to the generality of subsections (1), (2),(3), (4),(5) and (6), the Board shall be held responsible for any loss occasioned to the society and every officer who is a part to the loss commits an offence and shall be liable on conviction to a fine not exceeding five hundred thousand shillings and in addition shall be required to compensate the loss so occasioned.

Registrar may require bank to produce information

57. Notwithstanding anything in any other written law, the Registrar may, if he considers necessary to do so require any bank-

- (a) to furnish any information regarding the transactions of any registered society with the bank;
- (b) to produce a copy showing the accounts of the society with the bank from the ledger kept by the bank;
- (c) to produce any cheques paid to the credit of the society or endorsed by the society.

Communication of defects in the operations of a registered Society

58.-(1) If any audit, inquiry or inspection made under this Act discloses any defect in the working of a registered society, the Registrar shall bring such defect to the notice of that other society and if the society is affiliated to another registered society he shall bring

such defect to the notice of that other society as well.

(2) The Registrar may, subject to subsection (1), make an order directing the society or its officers to take such action as shall be specified in the order and within such time as he may direct in that order as will remedy any defect disclosed in the audit, inquiry or inspection and the society shall forthwith comply without delay.

Returns to be made by registered societies

59.-(1) Every registered society shall submit an annual return to the Registrar.

(2) The Registrar may require a registered society to submit to him the returns of that society, and he may prescribe forms in which such returns are to be made.

(b) Privileges of Registered Societies

Defect in the by-laws not to render act of a registered society invalid

60. No act of a registered society or of any persons purporting to act on behalf of the society in good faith, shall be deemed to be invalid by reason only of the existence of any defect in the by-laws of the registered society or of a Board of such registered society or in the appointment or election of an officer of such a society on the ground that such officer was disqualified for his appointment.

Disposal of

61.-(1) A registered society which

produce to or
through a
registered
society

one of its objectives is the disposal of any article which is the produce of agriculture or animal husbandry, shall provide in its by-laws-

(a) that every such member who produces any such articles has entered into an implied contract to dispose of the whole or any specified amount, proportion or description thereof to or through the society; and

(b) that any member who is proved or adjudged to be guilty of breach of by-laws shall pay to the society as liquidated damages a sum ascertained or assessed in such manner as may be prescribed by the by-laws.

(2) A contract implied in the by-laws of a registered society under subsection (1)(a), shall create in favour of the registered society a first charge upon all articles as referred to under subsection (1) whether these articles have been produced or are about to be produced.

(3) In any legal proceedings arising out of a contract implied in the by-laws of a registered society under subsection (1)(a), it shall not be a defence that the contract is in restraint of trade.

(4) A member of a registered society shall be deemed not to have contravened the by-laws of the society

which requires him to deliver any produce to the society if the failure to deliver such produce to the society was due to the fact that he had, prior to becoming a member of the society, contracted to deliver the produce to some other person.

(5) Every person who applied for membership of a registered society shall, if required so to do, disclose in his application particulars of all contracts made by him for the delivery of any produce to any other person.

Creation of charge in favour of registered societies

62.-(1) Subject to any prior claim of the government on the property of the debtor and to the lien or of claim of a landlord in respect of rent or any money recoverable as rent and in the case of immovable property to any prior registered charge thereon-

(a) any rent or outstanding demand payable to a registered society by any member or past member shall be a first charge on all produce of agriculture, animal husbandry, fisheries or any industry and generally all produce of labour and things used in connection with production raised, purchased or produced in whole or in part from any loan whether in money or in goods given to him by the society:

Provided that, nothing herein contained shall affect the claim of any *bona-fide* purchaser or transferee without notice;

(b) any outstanding demands or dues payable to a registered housing society by any member or past member in respect of rent, shares, loans or purchase money or any other rights or amounts payable to such society shall be first charge upon his interest in the immovable property of the society.

(2) No person shall transfer any property which is subject to a charge under subsection (1) except with the previous permission in writing of the cooperative society which holds the charge.

(3) Notwithstanding anything contained in any law for the time being in force, any transfer of property made in contravention of the provisions of subsection (2) shall be void.

Charges and setoff in respect of share or interest of members

63. A registered society shall have a charge upon the shares or interest in the capital and on the deposit of a member or past member and upon any dividend, bonus, or accumulated funds payable to or due from such member or past member to the society and may set off any sum credited or payable to a

member or past member or towards payment of any such debt.

Shares or interest not liable to attachment

64. Subject to the provisions of section 63, the share or interest of a member in the capital of a registered society shall not be liable to attachment or sale under any decree or order of a court in respect of any debt or liability incurred by such member, and the official receiver under the law relating to bankruptcy for the time being in force shall not be entitled to or have any claim on such share or interest.

Transfer of Interest on death of a member

65.-(1) On the death or declaration of permanent insanity of a member, a registered society may transfer the share or other interest of the member to the person nominated in accordance with the by-laws of the society or if there is no person so nominated, to such person as may appear to the committee to be the heir or legal representative of the member or may pay to such nominee, heir or legal representative as the case may be, a sum representing the value of such member's share or interest, as ascertained in accordance with the Regulations or by-laws:

Provide that:

(a) in the case of a registered society with unlimited liability

such nominee, heir, or legal representative, may require payment by the society of the value of the shares or interest of the deceased member ascertained as aforesaid;

(b) in the case of a society with limited liability, the society may transfer the share or interest of the member to such nominee, heir or legal representative, as the case may be, being qualified in accordance with the Regulations and by-laws for membership of the society, or on his application within six months of the date of the death or declaration of permanent insanity to any person specified in the application who is so qualified.

(2) Any registered society shall pay other moneys due to the deceased member from the society to such nominee, heir or legal representative, as the case may be.

(3) All transfer and payment made by a registered society in accordance with the provisions of this section shall be valid and effective against any demand made upon the society by any other person.

(4) The Registrar shall be consulted for arbitration in case of misunderstanding between a member and a society under this section.

Proof of entries
in societies'
books

66.-(1) A copy of any entry in a book of a registered society regularly kept in the course of business shall, if certified in such manner as may be prescribed in the Regulations, be received in any suit or legal proceedings, civil or criminal as *prima facie* evidence of the existence of such entry and shall be admitted as evidence of the matters, transactions and accounts therein recorded in every case where and to the same extent as, the original entry is admissible.

(2) No officer of any registered society shall, in any legal proceedings to which the registered society is not a party be compelled to produce any of the society's books the contents of which can be proved under subsection (1) or to appear as a witness to prove any matter, transaction or accounts therein recorded unless the court for special reasons so directs.

Exemption
from
compulsory
registration of
instruments
relating to
shares of
registered
society

67. Subject to the provisions of Part IX, nothing in any written law requiring registration of instruments relating to shares and debentures shall apply to-

(a) any instrument relating to shares in a registered society, notwithstanding that the assets of such society consist in relating to shares and whole or any part of immovable

- property;
- (b) any endorsement upon or transfer of any debentures issued by any such society; or
 - (c) any debentures issued by such society and not creating, declaring, assigning, limiting or extinguishing any right, title, or interest to or an immovable property except in so far as instrument whereby the society has mortgaged, conveyed or otherwise transferred the whole or part of its immovable property or any interest therein to trustees upon trust for the benefit of the holders of such debentures.

Exemption
from duty or
tax

68.-(1) Notwithstanding the provisions of any law to the contrary, the President may, by notice in the *Gazette*, in the case of any registered society or class of registered societies reduce or remit-

- (a) the duty, tax or value added tax which under any laws for the time being in force may be payable in respect of the accumulated funds of the society or of the dividends or other payments received by the members of the society on account of the accumulated funds; and

Cap. 189 (b) the stamp duty payable under the Stamp Duty Act, on instruments executed by or on behalf of a registered society or by an officer or member and relating to the business of such society of any class of such instruments, are respectively chargeable.

(2) Nothing in subsection (1) shall be construed as restricting or limiting any power conferred on any authority to grant exemption from any tax, duty, stamp duty, value added tax or fee under any written law.

Management of registered Society **69.**-(1) Management of registered society shall be vested in the general meeting and the Board.

(2) Provisions relating to the management of the registered societies shall be as prescribed in the Second Schedule to this Act.

Public education and awareness on duties and privileges of societies **70.**-(1) For the purpose of this Part, a cooperative promotion officer shall-

(a) provide public education and awareness to members of registered societies on the duties and privileges of registered societies; and

(b) the manner in which to access such privileges.

PART VIII
PROPERTY AND FUNDS OF REGISTERED SOCIETIES

Revenue of
Registered
societies

71.-(1) The funds of a registered society shall include -

- (a) moneys derived from fees or charges specified by the by-laws of the society;
- (b) moneys derived from payment of subscription where this is applicable;
- (c) moneys derived from issuance of shares;
- (d) revenues accruing to the registered society from deposits and loans from persons who are not members as provided for under the by-laws;
- (e) revenues accruing to the registered society from savings and deposits made by its members;
- (f) moneys derived from the sale of any produce of the registered society;
- (g) moneys which a registered society may borrow from lending institutions or any other source under its general powers of raising money by borrowing.

(2) Any other money lawfully derived by a registered society from sources not mentioned specifically in subsection (1) shall form part of the revenue and funds of that registered

society.

(3) All revenues of a registered society shall be paid into the general fund of the registered society:

Provided that, any receipt derived from any trade, industry, works, service or undertaking carried out or belonging to registered society may be paid either in whole or in part into a separate fund.

Management of revenues and funds of a registered societies

72.-(1) A registered society shall for the purpose of managing its revenues and funds ensure that-

- (a) an admission fee is not refundable except in the case where an application for membership has been rejected;
- (b) a regular obligatory deposit is made in accordance with the by-laws of the society and is not withdrawn except for purposes and in accordance with conditions specified in the Regulations, or on termination of membership, or for the purposes of securing a loan taken by or a guarantee given by a member, voluntary deposits may be withdrawn, subject to any conditions or restriction specified in the by-laws of the registered society;
- (c) deposit or loans from persons who are not members of the

registered society are subject to the provisions of this Act and of the by-laws of the society;

- (d) a share shall not be redeemed except in accordance with the provisions of by-laws of the society where such by-laws allow such redemption and in which case the said by-laws shall also specify the minimum number of shares a member shall hold while is a member.

(2) A society shall not issue bonds or debentures without the authority of the Registrar and shall in any such issue comply with any conditions prescribed by the general meeting.

(3) A registered society which under this Act is required to maintain a reserve fund shall maintain the fund in accordance with the provisions of this Act and the by-laws of a registered society.

Restriction
on loans

73.-(1) A registered society shall not give a loan to any person other than to its member:

(2) A registered society may, with the approval of the Registrar and in accordance with any conditions which the Registrar may prescribe, allow normal business credit to persons to whom goods have been sold or services rendered by the registered *bona-fide* society.

(3) Except with the permission of the Registrar, a society shall not lend money on the security of any movable property other than produce or goods in which the society is authorized to deal.

(4) The Registrar may, by a general or special order, prohibit or restrict the lending of money by any society or class of societies on the security of immovable property.

(5) A registered society whose main object is to supply commodities to its members shall not make any loan nor allow any credit without the sanction of the Registrar who may impose such limits on loans or credit as he thinks fit.

(6) A registered society which markets agricultural produce or handicrafts or mineral products of its members may make advances only up to a limit not exceeding 75 per centum of the local value as estimated by the committee of agricultural products or handicrafts or mineral products delivered to the society for marketing.

(7) A registered society may with the approval of the general meeting, make loans to another registered body.

Restriction on borrowing from non-members

74. A registered society shall receive deposits and loans from persons who are not members only to such extent and under such conditions as may be prescribed by the Rules, Regulations or by this Act.

Investment
of Funds

75.-(1) A registered society may invest its funds:

- (a) in interest bearing deposit in a cooperative financial institution, or any financial institution as may be approved by the Commission;
- (b) in the shares of any other registered society;
- (c) in government bonds and other securities; or
- (d) in such other investments as the Registrar may by order with approval of the Commission published in the *Gazette* declare to be authorized investments for the purpose of this section.

(2) The Commission may advise any registered society to invest its funds or any portion of its funds in any one or more of the investments authorized by or under subsection (1).

(3) Where there is any loss occasioned, in respect of the funds invested, every officer who is a part to the loss commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings and in addition shall be required to compensate the loss so occasioned.

Inspection

76. Every society shall contribute to

fund
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a fund established by the Public Finance Act and be administered by the Commission for the purpose of meeting the expenses of inspection and promotion of cooperative societies.

Financial provisions

77.-(1) The by-laws of a registered society shall provide for the raising of funds to finance its activities either by the issuance of shares or by imposing cess or levy on agricultural or other produce or handicraft marketed through the society or by other means as may be approved by the Commission.

(2) A registered society shall, where its funds to finance its activities are obtained by the issuance of shares, ensure that-

- (a) the share capital shall not be reduced without the consent of the Commission;
- (b) unless the Commission otherwise in writing directs, a fund which shall be known as the share transfer fund shall be formed and maintained to meet expenditure which may be incurred by the society in purchasing the share of members whose membership has been terminated with the consent of the Board;
- (c) no payment from the share transfer funds shall be made for the purchase of the share of

any member who has terminated his membership without the consent of the Board;

- (d) no purchase of the shares of a member whose membership has been terminated by reason of any causes other than death shall be made except with monies available in the share transfer fund;
- (e) the amount standing to the credit of a share transfer fund shall not exceed ten per centum of the subscribed share capital;
- (f) where the share of a member is purchased by the society under the foregoing provisions, the amount paid therefore shall not exceed the par value of the share, and it shall be lawful for the society to pay such less sum than the par value as it considers reasonable, regard being made to the financial position of the society at the time of purchase;
- (g) the shares of members purchased as aforesaid shall be re-issued before any new allocation of shares is made.

Dividend and

78.-(1) No society shall pay a

bonus	<p>dividend or bonus or distribute any part of its accumulated funds before the balance sheet has been audited by a duly authorized auditor and approved by the general meeting.</p> <p>(2) No society with unlimited liability which advances money or goods to any member in excess of the money or the value of the goods deposited by him shall pay a dividend during the period of ten years from the date of its registration.</p>
Reserve fund	<p>79.-(1) Every society which derives a profit from its transaction shall maintain a reserve fund.</p> <p>(2) A society with unlimited liability, which advances money or goods to any member in excess of the money or the value of goods deposited by him, shall contribute one fourth of the annual net surplus to the reserve fund and all other societies shall contribute such portion or annual net surplus as may be prescribed by the Regulations and by-laws.</p>
Distribution of balances	<p>80. Subject to the provisions of this Act and any Regulations made there under, a registered society may apply the annual net balance together with any sum available for distribution from previous years to payment of bonus and to any staff incentive bonus scheme in such manner and in such proportion as may be prescribed by the Regulations or its by-laws.</p>

Contribution for charitable purposes **81.-(1)** A registered society may, by resolution in general meeting appropriate from its funds and expend on any charitable, educational or medical purposes or such other objects.

(2) A cooperative society shall for the purpose of subsection (1) establish a special fund to be used in discharging such cooperative social responsibilities as may be determined by the society.

PART IX
CREATION AND REGISTRATION OF CHARGES

Registration of charges **82.-(1)** A cooperative society may from time to time, charge the whole or any part of its property, if its by-laws expressly empower it to do so, subject to approval by the general meeting.

(2) Subject to the provisions of this Part, every charge to which this section applies created by a registered society, shall so far as any security on the society's property is thereby conferred, be void against the liquidator and any creditor of the society unless the prescribed particulars of the charge, together with the instrument if any, by which the charge is created or evidenced, or a copy thereof verified in the prescribed manner, are delivered to the Registrar for registration within thirty days after the date of the creation of the charge, but without

prejudice to any contract or obligation for payment of the money thereby secured, and when the charge becomes void under this section, the money secured thereby shall immediately become payable.

(3) This section applies to the following charges-

(a) a charge for the purpose of securing any issues of debentures;

(b) a charge created or evidenced by an instrument which, if executed by an individual, would require registration under the Chattels Transfer Act;

(c) a charge on immovable property, wherever situated, or any interest therein;

(d) a charge on book debt of the society;

(e) a floating charge on the property of the society; or

(f) any other document which may be used as a security.

(4) Where a negotiable instrument has been given to secure the payment of any book debts of a registered society, the deposit of the instrument for the purpose of securing an advance to the society shall not for the purpose of this section be treated as a charge on those book debts.

(5) The holding of debentures

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entitling the holder to a charge on immovable property of a registered society shall not for the purposes of this section be deemed to be an interest in immovable property.

(6) Where a series of debentures containing or giving by reference to any other instrument, any charge to the benefit of which the debenture holders of the series are entitled *pari passu* is created by registered society, it shall, for the purposes of this section be sufficient if they are delivered to or received by the Registrar, within forty five days after the execution, of the deed containing the charge, or, if there is no such deed after the execution of any debentures of the series, the following particulars-

- (a) the total amount secured by the whole series;
- (b) the date of any resolution authorizing the issue of the series and the date of the covering deed, if any by which the security is created or defined;
- (c) a general description of the property charged; and
- (d) the names of the trustees, if any of the debenture holders together with the deed containing the charge, or, if there is no such deed, one of the

debentures of the series:

Provided that, where more than one issue is made of debentures in the series, there shall be sent to the Registrar for entry in the register particulars of the date and amount of each issue and an omission of such entry shall not affect the validity of the debentures issued.

(7) For the purpose of the provisions of this Part-
"charge" includes a mortgage and a letter of hypothecation, and references to the property and assets of a registered society include property and assets which the registered society is authorized to charge.

Duty of society to register charges created by society

83.-(1) It shall be the duty of the registered society to send to the Registrar the particulars of every charge created by the society to which section 82 applies however the registration of any such charge may be effected upon the application of any person interested therein.

(2) Where registration is affected on the application of some person other than the society, that person shall be entitled to recover from the society the amount of any fees properly paid by him to the

Registrar on registration.

(3) Where any registered society makes default in sending to the Registrar the particulars of any charge created by the society for registration to which section 82 applies, unless the registration has been effected by some other person, the society and every officer thereof who knowingly took part in the default shall be liable on conviction to a fine not exceeding ten thousand shillings for every day during which the default continues.

Duty of a society to register charges on property acquired

84.-(1) Where a registered society acquires any property which is subject to a charge to which section 82 would apply if the charge had been created by the society after the acquisition of the property, the society shall cause, the prescribed particulars of the charge together with a certified copy of the instrument, if any, by which the charge was created or is evidenced, to be delivered to the Registrar for registration within forty-five days after the date of which the acquisition is completed.

(2) Where the default is made in complying with the provisions of this section, the society and every officer thereof who is knowingly a party to the default, commits an offence and shall be liable on conviction to a fine

not exceeding ten thousand shillings for every day during which the default continues.

Register of charges

85.-(l) The Registrar shall keep, with respect to each registered society, a register in the prescribed form, of all charges requiring registration under the provisions of this Part, and shall on payment of the prescribed fee, enter in the register with respect to any such charge the following particulars-

(a) in the case of a charge to the benefit of which the holders of a series of debentures are entitled, such particulars as are specified in subsection (6) of section 82;

(b) in the case of any other charge-

(i) if the charge is a charge created by the society, the date of its creation, and if the charge was a charge existing on the property acquired by the society, the date of the acquisition of the property;

(ii) the amount secured by the charge;

(iii) short particulars of the report charged; and

(iv) the persons entitled to the charge.

(2) The Registrar shall issue a certificate of registration of any charge registered in pursuance of the provisions of this Part, stating the amount thereby secured, and the certificate shall be conclusive evidence that the requirements of this Part as to registration have been complied with.

(3) The register kept in pursuance of this section shall be open to inspection by any person on payment of the prescribed fee, as may be determined by the Registrar.

(4) The Registrar shall keep a chronological index, in the prescribed form and containing the prescribed particular, of the charges entered in the register.

Endorsement
of certificate
of registration
of debentures

86.-(1) Every registered society shall cause a copy of every certificate of registration given under section 85 to be endorsed on every debenture or certificate of debenture stock which is issued by the society, and the payment of which is secured by the charge so registered:

Provided that, nothing in this subsection shall be construed as requiring a society to cause a certificate of registration of any charge so given to be endorsed on

any debenture or certificate of debenture stock issued by the society before the charge was created.

(2) If any person knowingly and willfully authorizes or permits the delivery of any debenture or certificate of debenture stock which under the provisions of this section is required to have been endorsed on it, a copy of a certificate of registration without the copy being so endorsed on it, commits an offence and shall without prejudice to any other liability, be liable on conviction to a fine not exceeding one hundred thousand shillings.

Entry of
satisfaction
and
rectification
of register

87.-(1) The Registrar may, upon evidence availed to his satisfaction that, the debt for which any registered charge was given has been paid or satisfied, or that a memorandum of satisfaction be entered on the register, shall, if required, furnish the society with a copy thereof.

(2) The Registrar, on being satisfied that, the omission to register a charge within the time required by this Part, or that the omission or misstatement of any particular matter with respect to any such charge or in a memorandum of satisfaction, was accidental or due to inadvertence or to some other

sufficient cause, or is not of a nature to prejudice the position of creditors or members of the society or that on other grounds it is just and equitable to grant relief may, on the application of the registered society or any person interested and in such terms and conditions as seen to him just and expedient, order that the time for registration be extended, or, as the case may be, that the omission or misstatement be rectified.

Enforcement
of security

88.-(1) If any person obtains an order for the appointment of a receiver or manager of the property of a registered society or appoints such a receiver or manager under any powers contained in any instrument, he shall, within seven days from the date of the order or of the appointment under the said powers, give notice of the facts to the Registrar and the Registrar shall, on payment of the prescribed fee, enter the facts in the register of charges.

(2) Where any person is appointed as a receiver or manager of the property of a registered society under the powers, contained in any instrument ceases to act as such receiver or manager, he shall on so ceasing, give the Registrar

notice to that effect, and the Registrar shall enter the notice in the register of charges.

(3) Any person who makes default in complying with any of the requirements of this section commits an offence and shall be liable on conviction to a fine not exceeding five thousand shillings for every day during which the default continues.

Copies of instrument creating charges to be kept by society

89.-(1) Every registered society shall cause to be kept at the registered address of the society a copy of every instrument creating any charge requiring to be registered under the provisions of this part.

(2) Where any registered society fails to comply with the provisions of subsection (1), the society and every officer thereof who is knowingly a party to the default shall be liable on conviction to a fine not exceeding one thousand shillings for every day during which the default continues.

Society's register of charges

90.-(1) Every registered society shall keep at registered address of the society a register of charges and enter therein all charges specifically charges effecting property of the society and all floating charges on the property or assets of the society

giving in each case a short description of the property charged, the amount of the charge and the names of the persons entitled thereto.

(2) Where any officer of the society knowingly and willfully authorizes or permits the omission of any entry required to be made in pursuance of this section in any such register he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten thousand shillings.

Right to inspect copies of instruments creating mortgages charges and society register of charges

91.-(1) The copies of the instrument creating any charge required to be registered with the Registrar under the provisions of this part and the registered society in pursuance of section 85, shall be open during business hours, subject to such reasonable meeting restrictions as the society in general meeting may impose, for the inspection of any creditor or members of the society without fee, and the register of charges shall also be open to the inspection of any other person on payment of such fee as may be determined by the general meeting.

(2) Where inspection of the said copies or register is refused, any officer of the society refusing inspection or who knowingly and

willfully permits such refusals commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings for every day during which such refusal continues and any court may by order, compel an immediate inspection of the copies or register.

INQUIRY BY REGISTRAR

92.-(1) The Registrar may, on his own motion or on the application of the majority of the members of the Board of not less than one-third, direct and authorize some persons in writing to hold an inquiry into the by-laws, activities and financial affairs of the registered society.

(2) All officers and members of the society shall produce such books and documents of the society and furnish such information in regard to the affairs of the society, as the person authorized by the Registrar may required.

(3) The general meeting may decide to hold an enquiry into the affairs of their registered society.

DESIGNATION OF COOPERATIVE OFFICERS AS INSPECTORS

93.-(1) The Commission may, by order published in the *Gazette*, designate by name, a cooperative officer who shall perform the function of inspection of cooperative societies.

(2) The cooperative officers designated under subsection (1)

shall be accountable to the Registrar.

(3) Every cooperative inspector shall prepare and submit to the Registrar a report of every registered cooperative society inspected and with regard to any other matters as the Registrar may require him to report upon.

Inspection

94.-(1) The Registrar shall make or cause to be made a continuous inspection on the by-laws, activities and financial affairs of a registered society.

(2) Without prejudice to the generality of subsection (1), the Registrar shall, on the application of a creditor of a registered society, inspect or direct some person authorized by him by order in writing in his behalf to inspect the books of the society:

Provided that, no inspection under subsection (2) shall be carried out or directed unless-

- (a) the creditor satisfies the Registrar that the debt is a sum then due, and that he has demanded payment thereof and has not received satisfactory explanation within a reasonable time; and
- (b) the creditor deposits with

the Registrar such sum as security for costs for the purposes of inspection as the Registrar may require.

(3) The Registrar shall communicate the results of any inspection carried out under subsection (2) to the creditor.

Cost of enquiry

95.-(1) Where an inquiry is held under section 92 or an inspection is made under section 94, the Registrar may, by a certificate under his hand and seal, make an award apportioning the costs, or such part of the costs as he may think right, between the society, the members or creditor demanding an inquiry or inspection and the officer or former officers of the society.

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(2) The Registrar may lodge a certified copy of a certificate issued by him under subsection (1) in a court of a Resident Magistrate or a District Court and upon being so lodged such certificate shall be deemed to be a decree passed by such court for the payment by the person named in the certificate to the Registrar of the sum specified in the certificate and such sum may be recovered in any manner prescribed by the Civil Procedure Act, for the enforcement of decrees and the

provisions of that Act relating to executions of decrees shall apply, *mutatis mutandis*, to proceedings for the recovery of costs awarded under this Act.

Surcharge

96.-(1) Where upon an inquiry under section 92 or upon an inspection under section 94 or upon audit under section 56, the Registrar is satisfied that a past or present officer or member has made or authorized an unlawful payment or has by negligence or misconduct caused a deficiency or a loss or failure to bring to account or has by negligence or misconduct caused loss of or damage to any property of a registered society, the Registrar shall surcharge such person with the unlawful payment, deficiency or loss, or the sum which ought to have been brought to account or the value of the property lost or damaged or portion of such unlawful payment, deficiency, loss, sum, value or cost as the Registrar may consider reasonable having regard to all the circumstances of the case.

(2) The Registrar shall give notice in writing to every person surcharged under subsection (1) of the amount surcharged and the ground upon which the surcharge

is made, and every such person aggrieved by the decision of the Registrar may, not later than thirty days from the receipt of such notice, appeal to the Minister.

(3) Where a person surcharged-

(a) fails to pay such amount within thirty days after the service of the notice upon him in accordance with subsection (2); or

(b) has appealed to the Minister and fails to pay the amount of the surcharge, if any, decided upon by the Minister within fifteen days from the date of the decision of the Minister,

the Registrar shall issue a certificate under his hand and seal specifying the name and address of the person who has been surcharged and the amount of the surcharge and such certificate or a certified copy thereof shall be lodged in a court of Resident Magistrate or a District Court.

(4) Where a certificate has been lodged in court in accordance with the provisions of subsection (3), such certificate shall be deemed to be a decree passed by such court for the payment by the person named in

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the certificate to the Registrar of the sum specified in the certificate, and such sum shall be recovered in any manner prescribed by the Civil Procedure Act, and the enforcement of decree and the provisions of that Act relating to execution of decrees shall apply, *mutatis mutandis* to proceedings for the recovery of such amount specified in the certificate.

PART XI
AMALGAMATION AND DIVISION OF COOPERATIVE
SOCIETIES

Amalgamation

97.-(1) Any two or more registered societies may, resolve, by a resolution approved at a general meeting of each of the societies at which not less than two thirds of the members or delegates of the society are present and held after reasonable notice given of the place and time of the meeting and of the intention to move such resolution thereto, to amalgamate as a single society.

(2) Where the Registrar is satisfied that-

- (a) two or more registered societies have resolved to amalgamate as a single society in accordance with the provisions of subsection (1);

- (b) the proposed by-laws of the proposed amalgamated society are unobjectionable; and
- (c) the proposed amalgamation is not against the interest of the members of the societies proposing to amalgamate or against public interest;

he may, by order published in the *Gazette*, amalgamate the societies.

(3) Every order made under subsection (2), shall specify-

- (a) the date on which the societies shall amalgamate; and
- (b) the names of the amalgamating societies, the name of the amalgamated society, and may contain such directions as the Registrar may consider necessary for the purpose of giving effect to the amalgamation or for safeguarding the interests of any person.

(4) Where an order is made under subsection (2)-

- (a) all the assets and liabilities

- of the amalgamating societies shall, by virtue of such order and without further assurance, vest in the amalgamated society;
- (b) the Registrar shall cancel the registration of the amalgamating societies and such cancellation shall be effective as from the effective date; and
- (c) the Registrar shall, notwithstanding the provisions of sections 31 and 32, register the amalgamated society and the by-laws of the amalgamated society.

(5) Notwithstanding subsection (1), the Registrar may, by notice in writing, advise two or more societies to amalgamate if he is satisfied that, it is in the interest of the societies or public to do so.

(6) Where the society does not agree with the advice of the Registrar made in accordance with provisions of subsection (5), the Registrar may dissolve that society under section 100.

Defects or irregularity in the notice

98. No amalgamation of registered societies or division of a registered society shall be invalid by reason only of defect or irregularity in any notice or order

Division of societies

required to be given or made under this Part.

99.-(1) An existing registered society may, resolve by a resolution approved at a general meeting at which not less than two thirds of the members or delegates of the society are present and held after reasonable notice given of the place and time of the meeting and of the intention to move such resolution thereat, to divide itself into two or more proposed new societies.

(2) A resolution passed under subsection (1) shall contain proposals for the division of the assets and liabilities of the society among the proposed new societies, and may prescribe the area of operation of, and specify the members who shall constitute each of the proposed new societies.

(3) The Registrar may by notice in writing advise on voluntary division if is satisfied that-

(a) an existing society has resolved to divide itself into two or more new societies in accordance with subsection (1);

(b) such resolution complies with the provisions of subsection (2);

(c) the proposed new societies shall be economically viable when registered;

(d) the proposed division is not against the interests of the members of the existing society or against the public interest.

(4) The Registrar may, by Order published in the *Gazette* divide the existing society which has voluntarily passed the resolution for division under subsection (1).

(5) Every order made under subsection (4) shall specify-

(a) the date on which the existing society shall be divided into the new societies;

(b) the name of the existing society and the names of the new societies into which it is divided;

(c) the manner in which the assets and liabilities of the existing society shall be divided among the new societies;

(d) where necessary, the area of operation of each of the new societies; and

(e) such other directions as the Registrar may consider necessary for the purpose

of giving effect to the division or for safeguarding the interests of any person.

(6) Where an order is made under subsection (4)-

(a) the assets and liabilities of the existing society subsisting on the effective date shall, by virtue of such order and without further assurance, vest in the new societies in the manner specified in such order;

(b) the Registrar shall cancel the registration of the existing society and such cancellation shall be effective as from the effective date; and

(c) the Registrar shall, notwithstanding the provisions of sections 31 and 32, register the new societies and their respective by-laws:

Provided that, where the society does not agree with the advice of the Registrar on division, he may dissolve that society under section 100.

PART XII

DISSOLUTION OF COOPERATIVE SOCIETIES

Dissolution

100. Where the Registrar after

an inquiry has been held under section 92 or after an inspection has been made under section 94 or on receipt of an application made by three-fourths of the members of a registered society or failure to comply with the provisions of sections 97 and 99, is of the opinion that, the society ought to be dissolved he may, by order in writing and after notifying the general meeting of the federation if any, cancel the registration of the society.

Cancellation
of registration
of society

101.-(1) Where it is a condition of the registration of a society that it should consist of at least required minimum members, the Registrar may, by order in writing, cancel the registration of the society if at any time it is proved to his satisfaction that, the number of the members has been reduced to less than the required minimum as per section 21 of this Act.

(2) Where the Registrar has reasonable cause to believe that a registered society has not commenced its business within six months of registration, or has ceased to carry on business, he may, after the expiry of three months from the date of publishing a notice to that effect in the *Gazette*, by order in writing, cancel

the registration of such society and such cancellation shall be *Gazetted*.

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(3) The Registrar shall cancel the registration of any savings and credit societies that fail to comply with the requirement to present audited accounts as required by section 54 of the Bank of Tanzania Act, unless sufficient evidence is given to the effect that, any such savings and credit societies have established a technical and financial assistance linkage with a professionally managed financial services institution or program.

Appeal
against
cancellation
of registration

102.-(1) Where the registration of a society is cancelled under the provisions of section 101, any member of the society the registration of which is cancelled may, within thirty days from the date of the order canceling the registration, appeal against such order to the Minister.

(2) Where no appeal is presented within thirty days from the making of an order canceling the registration of a society, the order shall take effect on the expiry of that period.

(3) Where an appeal is presented within thirty days, the order shall not take effect until it is confirmed by the Minister.

(4) Where an appeal has been presented within thirty days, the Minister may proceed to consider the same and confirm the order notwithstanding that thirty days have not elapsed, and where an order is so confirmed, no further appeal shall be allowed against such order.

Effect of
Cancellation
of registration

103.-(1) Where the registration of a society is cancelled, the cancellation shall take effect and the society shall, except for the purposes of the winding-up of its affairs, cease to exist as a corporate body from the date when the order of cancellation takes effect.

(2) Where the Registrar cancels the registration of a society under any of the provisions of this Act, he shall make such order as he may deem fit respecting the custody of the books and documents and for the protection of the assets of the society until the order canceling the registration of the society takes effect.

Winding up

104.-(1) Where the registration of a society is cancelled under section 101 or the registered society is dissolved

under section 100 of this Act, the Registrar shall-

- (a) appoint by order in writing a custodian of assets and liabilities of the society immediately after cancellation is effected;
- (b) within forty days, appoint a competent person or persons to be liquidator of the society's assets and liabilities.

(2) The names of the persons appointed under subsection (1) shall be published in the *Gazette*.

Power of
the
liquidator

105.-(1) A liquidator appointed under section 104 shall have the power, subject to the guidance and control of the Registrar, and to any limitations imposed by the Registrar-

- (a) to institute and defend suits and other legal proceedings by his name or office, and to appear in Court as a litigant in person on behalf of the society;
- (b) to refer disputes to arbitration;
- (c) to determine the contribution to be made by the members and past

members and by the estates of deceased members of the society respectively to the assets of the society;

- (d) to investigate all claims against the society, and subject to the provisions of this Act, to decide questions of priority arising between claimants;
- (e) to determine by what persons and in what proportion the costs of the liquidation are to be borne;
- (f) to examine and investigate any claim which the society may have against any person;
- (g) to take possession of the books, documents and assets of the society; and
- (h) to give such directions in regard to the collection and distribution of the assets of the society and the disposal of the books and documents of the society as may appear to him to be necessary for winding-up the affairs of the society.

(2) Subject to any Regulations made under section 141, a liquidator appointed under this

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section shall, in so far as such powers are necessary for carrying out the purpose of this section, have power to summon the attendance of witnesses and to compel the production of documents by the same means and in the same manner as is provided in the case of a Court under the Civil Procedure Act.

(3) The Regulations may provide for an appeal to a court of a resident magistrate having jurisdiction over the area in which the headquarters of the society are situated from any decision made by a liquidator under this section and may provide for further appeal to the High Court.

Power of Registrar to control liquidation

106.-(1) A liquidator shall exercise his powers subject to control and the revision by the Registrar, who may-

- (a) rescind or vary any order made by a liquidator and make new order as may be required;
- (b) remove a liquidator from office;
- (c) call for all books, documents and assets of the society;
- (d) by order in writing, limit the powers of the liquidator

under the provisions of the foregoing section;

- (e) require accounts to be rendered to him by the liquidator;
- (f) procure the auditing of the liquidator's accounts and authorize the distribution of the assets of the society;
- (g) make or order for the remuneration of the liquidator;
- (h) refer any subject of dispute between a liquidator and any third party to settlement if that party shall have assented in writing to be bound by the decision to be given on the dispute.

(2) Decisions made under this section may be enforced as follows-

- (a) when made by a liquidator, by any Court of Resident Magistrate having jurisdiction in the same manner as the decree of such court;
- (b) when made by High Court or a Court of Appeal, in the manner of any such appeal as aforesaid in the same manner as a decree of such Court in any suit

pending therein.

Power to stay
or restrain
proceedings
against society

107. At any time after the cancellation of a registered society takes effect, the liquidator, or any creditor member of the society, may, where any suit or proceedings against the society is pending in any court, apply to the court in which the suit or proceedings is pending for a stay of proceedings therein and the court to which such application is made may stay the proceedings accordingly on such terms as it thinks fit.

Avoidance
of
disposition of
property
after
cancellation

108. Any disposition of the property including things in action of a registered society and any transfer of shares or alteration in the status of the members of the society made after the cancellation of the registered society takes effect shall, unless such disposition, transfer or alteration after is made by the liquidator, be void.

Avoidance
of
attachment

109. Where the registration of a society is cancelled, any attachment, distress or execution put in force against the assets of the society after of such cancellation takes effect, shall be void.

Power of Registrar to assess damage

110.-(1) Where, in the case of the winding-up of a society, it appears that any person who has taken part in the organization or management of the society or any past or present chairman, secretary, member of the Board or other officer of the society has misapplied or retained or become liable or accountable for any money or property of the society or has been guilty of misfeasance or breach of trust in relation to the society, the Registrar may, on the application of the liquidator or of any creditor or contributor, investigate the conduct of such person and make an order requiring him to repay or restore the money or property or any part thereof as the case may be with interest at such rate as the Registrar thinks just or to contribute such sum to the assets of the society by way of compensation in regard to the misapplication, retainer, misfeasance or breach of trust as the Registrar thinks just.

(2) Where the Registrar has ordered payment of any money or delivery of any property under subsection (1), such money or property may be recovered on production of such order to the District Court or the Court of a

Resident Magistrate having jurisdiction over the person from whom the money or property is claimable in the same manner as if such order were the decree of that Court.

Power to
arrest
absconding
promoter
officer

111.-(1) Any Court of a Resident Magistrate may, on the application of the Registrar or of the liquidator and on proof of probable cause of the absconding of a promoter officer and upon believing that such officer is about to quit the United Republic of Tanzania or otherwise to abscond or remove any of his property for the purpose of evading calls or of avoiding investigation of his conduct or of avoiding examination by the liquidator or by the Registrar respecting the affairs of the society or of avoiding compliance with any order made by the Registrar under the said subsection (1) of section 110, cause him to be arrested, and his books and papers and movable or immovable property to be detained until such time as the court may order.

(2) For the purpose of this section:

“promoter officer” means a founder member of a cooperative

society.”

Debts of all description may be proved

112. In every winding-up of a registered society, all debts payable on a contingency, and all claims against the society, present or future, certain or contingent, ascertained or sounding only in damages, shall be admissible to proof against the society, a just estimate being made so far as possible or the value of such debts or claims as may be subject to any contingency or sound only in damages or for some other reason do not bear a certain value.

Where society is insolvent
Cap. 25

113. In the winding-up of a registered society which is insolvent, the procedure under the Bankruptcy Act with regard to the respective insolvent rights of secured and unsecured creditors and to debts provable and to the valuation of annuities and future and contingent liabilities shall apply with respect to the estates of persons adjudged bankrupt, and all persons who in any such case would be entitled to prove for and realize dividends out of the assets of the society, may come in under the winding upon and make such claims against the society as they respectively are entitled to by virtue of this section.

Preferable
payments

114.-(l) In the winding-up of a registered society, there shall be paid payments in priority to all other debts-

- (a) all government taxes and local rates due from the society at the relevant date and having become due and payable within twelve months next before that date not exceeding in the whole one year's assessment;
- (b) all government rents not more than one year in arrears;
- (c) all wages or salary of services rendered to the society during four months next before the relevant date and all wages of any workman or labourer in respect of services so rendered; and
- (d) all amounts due in respect of any compensation under any law for the time being in force in Tanzania relating to compensation of workman, being amounts which have accrued before the relevant date, unless the society has, immediately

prior to the relevant date, under any contract with insurers, rights capable of being transferred to and vested in the workman.

(2) Notwithstanding anything in paragraph (c) of subsection (1), the sum to which priority is to be given under that paragraph shall not, in the case of one claimant, exceed one hundred thousand shillings:

(3) Where a claimant under paragraph (c) of subsection (1), is a labourer in husbandry who has entered into a contract for the payment of a portion of his wages in a lump sum at the end of the year of hiring, he shall have priority in respect of the whole of such sum, a part thereof, as the liquidator may decide to be due under the contract, proportionate to the time of service up to the relevant date.

(4) Where any compensation under any law for the time being in force in Tanzania relating to compensation of workmen is a weekly payment, the amount due in respect thereof shall, for the purpose of paragraph (d) of subsection (1), be taken to be the amount of the lump sum for which the weekly payment could, if redeemable, be redeemed if the

employer made an application for that purpose under such law.

(5) Where any payment has been made to any clerk, servant, workman or labourer in the employment of the society, on account of wages or salary out of money advanced by some person for that purpose, the person by whom the money was advanced shall in a winding-up have a right of priority in respect of the money so advanced and paid up to the amount by which the sum in respect of which the clerk, servant, workman or labourer, would have been entitled to priority if the winding-up has been diminished by a reason of the payment having been made.

(6) The debts referred to in subsection (1) shall-

(a) rank equally among themselves and be paid in full unless the assets are insufficient to meet them in which case they shall abate in equal proportions; and

(b) so far as the assets of the society available for payment of general creditors are insufficient to meet them, have priority over the claims of holders of debentures under any

floating charge created by society, and be paid accordingly out of any property comprised in or subject to that charge.

(7) For the purposes of this section-

(a) any remuneration in respect of a period of absence from work through sickness or other good cause shall be deemed to be wages in respect of services rendered to the society during the period;

(b) the expression "relevant date" means the date on which the cancellation of the registration of the society takes effects.

Fraudulent preference

115.-(1) Any transfer, conveyance, mortgage, charge, delivery of good, payment, execution or other act relating to property made or done by or against a registered society within six months before the date on which the cancellation of its registration takes effect which had it been made or done by or against an individual within six months before presentation of

bankruptcy petition on which he is adjudged bankrupt, would be deemed in his bankruptcy a fraudulent preference, shall in the event of the society being wound-up be deemed fraudulent preference of its creditors and be void accordingly.

(2) Any transfer, conveyance or assignment by a society of all its property to trustees for the benefit of all its creditors shall, if done under the circumstance stipulated under subsection (1), be void to all intents.

Liabilities and obligation of fraudulent persons

116.-(l) Where anything made or done is void under section 115 as a fraudulent preference of a person interested in property mortgaged or charged to secure the society's debt then without prejudice to any rights or liabilities arising apart from this provision the preferred shall persons be subject to the same liabilities, and shall have the same rights, as if he had undertaken to be personally liable as surety for the debt to the extent of the mortgage or charge on the property or the value of his interest, whichever is the less.

(2) The value of the said person's interest shall be

determined as at the date of the transaction constituting the fraudulent preference, and shall be determined as if the interest were free of all encumbrances other than those to which the mortgage or charge for the society's debt was then subject.

(3) On any application made to the liquidator with respect to any payment on the ground that the payment was a fraudulent preference of a surety or guarantor, the liquidator shall have jurisdiction to determine any questions with respect to the payment arising between the person to whom the payment was made and the surety or guarantor and to grant relief in respect thereof, notwithstanding that it is not necessary so to do for the purpose of the winding-up.

(4) The provisions of subsection (3) shall apply, with the necessary modifications, in relation to transactions other than the payment of money as it applies in relation to such payments.

Effecting of
floating
charge

117. Where a registered society is being wound-up, a floating charge on the undertaking or property of the society created within six months of the cancellation of the registration of

the society taking effect shall, unless it is proved that the society, immediately after the creation of the charge, was solvent, be invalid, except to the amount of any cash paid to the society at the time of or subsequently the creation of, and in consideration, for the charge, together with interest on that amount at the rate of six percent per annum or such other rate as may be prescribed.

Disclaimer of
property in
case of society
wound up

118.-(1) Where any part of the property of a registered society which is being wound up consists of land of any tenure burdened with onerous case of covenants, of shares or stock in companies of profitable contracts or of any property that is un saleable or not readily saleable, by reason of its binding the possessor thereof to the performance of any onerous act or to payment of any sum of money, the liquidator, notwithstanding that he has endeavored to sell or has taken possession of the property or exercised any act of ownership in relation thereto, may, with the leave of the Registrar and subject to the provisions of this section, by writing signed by him, at any time within twelve months after the cancellation of the registration of

the society taking effect or such extended period as may be allowed by the Registrar, disclaim the property.

(2) The disclaimer shall operate to determine, as from the date of disclaimer, the rights, interest and liabilities of the society in or in respect of the property disclaimed but shall not, except so far as is necessary for the purpose, of releasing the society and the property of the society from liabilities of any other person affect the rights or the liabilities of any person.

(3) The Registrar, before or on granting leave, to disclaim, may require such notices to be given to persons interested, and impose such terms as a condition of granting leave, and make such other order in the matter as he thinks just.

(4) The liquidator shall not be entitled to disclaim any property under this section in any case where an application in writing has been made to him by any person interested in the property requiring him to decide whether he will or will not disclaim and the liquidator has not, within a period of twenty eight days after the receipt of the application or such further period as may be allowed by the

Registrar, given notice to the applicant that he intends to apply for leave to disclaim, and, in the case of a contract, if the liquidator, after such an application or such further period as may be allowed by the Registrar, given notice to the applicant that he intends to apply for leave to disclaim, and, in the case of a contract, if the liquidator, after such an application as aforesaid, does not within the said period or further period disclaim the contract, he shall be deemed to have adopted it.

(5) Any person injured by the operation of a disclaimer under this section shall be deemed to be a creditor of the society to the amount of the injury, and may accordingly prove the amount as a debt in the winding up.

Restriction of rights of creditor in case of society being wound up

119.-(1) Where a creditor has issued execution against the movable or immovable property of registered society or has attached any debt creditor as due to the society, and the society is subsequently wound up, he shall not be entitled to retain the benefit of the execution or attachment against the liquidator in the winding up of the society unless he has completed the execution or

attachment before the date on which the cancellation of the registration of the society take effect:

Provided that-

(a) a person who purchases in good faith under a sale by bailiff on an order of a court any movable property of a society of which an execution has been levied shall in all cases acquire a good title thereto against the liquidator; and

(b) the rights conferred by this subsection on the liquidator may be set aside by the Registrar in favour of the creditor to such extent and subject to such terms as the Registrar may think fit.

(2) For the purpose of this section, the execution against movable property shall be taken to be completed by seizure and sale, and an attachment of a debt shall be deemed to be completed by receipt of the debt, and an execution against immovable property shall be deemed to be completed by seizure and, in the case of an equitable interest, by the appointment of a receiver.

(3) The right conferred upon

the liquidator by this section may be enforced by him by a civil suit in any court of competent jurisdiction.

(4) In this Part, the expression "movable property" includes all chattels personal, and the expression "bailiff" includes any officer charged with the execution of a writ or other process.

Duties of
court in
execution

120.-(1) Where any movable property of a registered society is taken in execution and, before the sale thereof or the completion of the execution by receipt of recovery of the full amount of the levy, notice is served taken in execution upon the court which issued the execution that the registration of the society has been cancelled, the court shall require the bailiff to deliver the movable property including any money seized or received in part satisfaction of the execution to the liquidator and the bailiff shall forthwith comply with such requirement.

(2) Where the bailiff on being required by the court under subsection (1) delivers the movable property including the money, if any, seized or received by him, the costs of the execution shall be a first charge on the goods or money

so delivered and the liquidator may sell the goods, or a sufficient part thereof, for the purpose of satisfying that charge.

Preservation
of books
and records

121. On the completion of the duties under section 120, the liquidator shall hand over to the Registrar all the books and records of the society, and the Registrar may after the period of two years from the date of removal of the name of the society from the register cause such books and records to be preserved in an archive.

Court not to
have
jurisdiction in
dissolution
societies

122. Save so far as is expressly provided for in this Act, no court shall have any jurisdiction in respect of any matter connected with the dissolution of a registered society.

PART XIII FINANCIAL PROVISIONS

Funds of the
Commission

123. The sources and funds of the Commission shall include-

- (a) such amounts as may be appropriated by Parliament;
- (b) such sums as may be payable to the Commission by way of donations, gifts or grants;

- (c) such sums as may in any manner become payable to or vested in the Commission or acquired in the course of performing its functions under the Act; and
- (d) any other lawful source of funding.

Annual
budget

124.-(1) The Commission shall prepare its income and expenditure estimates for the succeeding financial year and submit them to the Minister for scrutiny and submission to the National Assembly for approval.

(2) The annual estimates shall make provision for all estimates for expenditure of the Commission for the financial year that shall include the cost of administration of the Commission, payment of salaries, allowances, pensions, gratuities and other charges payable to the officers, staff and members of the Commission.

Accounting
and audit

125.-(1) The Commission shall cause to be kept and maintained in accordance with the International Accounting Standards, proper books of accounts with respect to-

- (a) all sums of moneys received and expended;

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- (b) all the assets and liabilities of the Commission; and
- (c) all the income and expenditure statement of the Commission.

(2) Within six months of the close of every financial year, the Controller and Auditor General in accordance with the Public Audit Act shall audit the accounts including the balance sheet of the Commission.

(3) Every income and expenditure accounts and audited balance sheet shall be placed before a meeting of the Commission and, if adopted, it shall be endorsed with a certificate to that effect.

(4) As soon as the accounts of the Commission have been audited, and in any case not later than six months after the close of the financial year, the Commission shall submit to the Minister a copy of the audited statement of accounts together with a copy of the report on that statement made by the auditors.

(5) The Minister shall, as soon as practicable after receiving the report, lay before the National Assembly the audited accounts.

Financial
year

126. The financial year of the Commission shall be the period of

twelve months beginning from 1st day of July and ending at 30th day of June of the following year.

PART XIV
OFFENCES

Offences

127. Any registered society, an officer, a member or any other person who-

- (a) willfully neglects or refuses to do any act or furnish any information required for the purposes of this Act;
- (b) willfully makes a false return or furnishes false information; or
- (c) willfully or without any reasonable excuse disobeys any summons, requisition or lawful written order issued under the provisions of this Act or does not furnish any information lawfully required from him by a person authorized to do so under the provisions of this Act; or
- (d) without proper authority obstructs, assaults, interferes or hinders any officer or agent of the Commission from performing his duties;

- (e) acts or purports to act as a Board member when not entitled to do so;
- (f) willfully performs any act which requires the consent or approval of the Registrar without first having obtained such consent or approval;
- (g) willfully omits to do or to cause to be done an act or thing which is required by or under this Act to be done; or
- (h) willfully does or causes to be done any act or thing prohibited by or under this Act,

commits an offence and upon conviction shall be liable to a fine not exceeding one million shillings and, where such offence has been committed by an individual, to imprisonment for a term not exceeding six months in addition to or in lieu of such fine.

Offences by
body
corporate firm

128.-(1) Any act which if done by an individual would be an offence against this Act or regulations or orders made under this Act shall, if done by a body corporate, be an offence by a Director and Secretary thereof unless he proves that the offence was committed without his consent or connivance and that he

exercised all such diligence to prevent the commission of the offence as the ought to have been exercised having regard to the nature of his functions in that capacity and to all circumstances.

(2) Where an offence against this Act or any regulations or orders made under this Act has been committed by a partner in a firm, any person who at the time of the commission of the offence was a partner in that firm, or was purporting to act in that capacity, shall be deemed to have committed that offence, unless he proves that the offence was committed without his consent or connivance and he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

Offences
by agents

129. Where an offence under this Act or any subsidiary legislation made under it is committed by a person as an agent or employee, such agent or employee, the principal or employer commits an offence and is liable to be proceeded against and punished accordingly unless he proves to the satisfaction of the court that he

had no knowledge and could not by the exercise of reasonable diligence have had knowledge of the commission of the offence.

Penalty for soliciting violation of contracts

130.-(1) Any person, firm or company having knowledge or notice of the existence of a registered society which has one of its objects the disposal of any article as part of its business, who solicits or persuades of contracts any person to sell or deliver produce in violation of the by-laws of that cooperative society, shall be liable to a fine not exceeding one million shillings for person and two million shillings for a firm or company for each offence, and shall in addition pay to the society concerned the market price of such produce as at the date of such offence.

(2) Any person, firm or company, as aforesaid, shall be deemed to have knowledge or notice of the existence of such cooperative society if the said society has notified the existence of such cooperative society and the relevant by-laws thereof in the *Gazette* or a registered society which has one of its objects the disposal of any article which is the product of agriculture or animal husbandry, in any newspaper

circulating in Tanzania.

Offences by
officers of
Societies
being wound
up

131. Where any person, being a past or present officer or member of a registered society the registration of which has been cancelled and in respect of which a liquidator has been appointed-

- (a) does not, to the best of his knowledge and belief, fully and truly disclosed to the liquidator all the property, movable and immovable, of the society;
- (b) does not deliver to the liquidator, or as he directs all such part of the movable or immovable property of the society as is in his custody or under his control;
- (c) does not deliver up to the liquidator or as he directs, all books and papers belonging to the society;
or
- (d) fraudulently, parts with, conceals, destroys, falsifies, mutilates or alter or is privy to the fraudulent parting with, concealment, destruction, falsification, mutilation or alteration, any book or paper relating to or affecting the property or

affairs of the society,
commits an offence and shall be
liable on conviction to
imprisonment for a term not
exceeding five years.

Prohibition of
use of the
word
"Cooperative"

132.-(1) No person other than
a registered society shall trade or
carry on business under any name
or title of which the word
"Cooperative" or the word "Co-
operative" its equivalent in any
other language is part without the
sanction of the Commission.

(2) No person other than a
bona-fide savings and credit
society shall trade or carry on
business under any name or title of
which the words "Saving and
Credit Society" or their equivalent
in any other language is part
without the sanction of the
Commission.

(3) Every person who
contravenes any of the provisions
of this section shall be guilty of an
offence and shall, on conviction
be liable to a fine not exceeding
forty thousand shillings and in the
case of a continuing offence to a
further one thousand shillings for
each day on which the offence is
continued after conviction thereof.

PART XV

MISCELLANEOUS PROVISIONS

Appointment of Prosecutors **133.** The Director of Public Prosecutions may, by notice, published in the *Gazette* appoint Prosecutors who shall be responsible for prosecution of cases involving cooperative societies.

Code of conduct **134.**-(1) There shall be a code of conduct for management of cooperative societies as provided for in the Third Schedule to this Act.

(2) The Minister may, in consultation with the Commission amend or vary the provisions of the Third Schedule.

(3) The appointment and performance of duties by society executive staff, Board members shall be subject to the code of conduct.

Immunity Cap.16 **135.** Without prejudice to the provisions of section 28A of the Penal Code no matter done by any person exercising or purporting to exercise any function under this Act or under any subsidiary legislation made under this Act shall, if done in good faith subject that person to any action, liability, claim or demand.

Power to **136.** Notwithstanding

exempt societies from conditions of registration

anything contained in this Act, the Minister may, in the interest of members, by order published in the *Gazette* and subject to such conditions, if any, as he may impose, exempt any society from any of the requirements of this Act as to registration.

Appointment of special member to the Board

137.-(1) Notwithstanding any other provisions of this Act, the Registrar may, subject to the provisions of this section, appoint special members to the Board of any registered society in receipt of financial assistance from the government or if the Registrar considers such appointments to be necessary in the public interest or in the interest of the society.

(2) The number of special members appointed to a Board under this section shall not exceed one third of the number of ordinary members, including the Chairman and Vice-Chairman of the Board.

(3) Special members appointed to the Board of a cooperative bank shall not exceed fifty percent of the number of ordinary members.

(4) For the purposes of this section-

(a) a society shall be deemed to be in receipt of

financial assistance from the Government:

- (i) if within the immediately proceeding two years the society has received any grant of money from the Government;
 - (ii) if any money has been lent to the society by the Government and the loan has not been repaid; or
 - (iii) if any loan made to the society has been guaranteed by the Government and either the guarantee is still outstanding or the guarantee has been honoured by the Government and the society has not paid to the Government all sums including interests, if any, thereon paid by the Government under the terms of the guarantee; and
- (b) the expression "one-third" shall mean, where the number of members is not three or a multiple of three, the nearest whole number below one-third.

Terms of
appointment
and powers of
special
members

138.-(1) A special member of a Board appointed under section 137 shall remain a member of the Board until his appointment is determined by the Registrar.

(2) Where the Registrar has appointed special members to a Board any such special member may require that any decision taken by such Board shall not have effect until the approval of the Registrar has been obtained and, where any such requirement is made in respect of any such decisions, the decision shall be of no force or effect and shall not in any way be acted upon until the Registrar has signified approval thereof.

(3) In exercising powers conferred by subsection (2), a special member appointed to a Board shall, unless the Registrar otherwise directs, have all the powers of an ordinary member of that Board.

Fees

139.-(1) Fees as may be prescribed under the Regulations shall be charged in respect of the following matters-

- (a) issue of registration certificate and by-laws;
- (b) the registration of amendments to by-laws;

- (c) a search in the registration register;
- (d) inspection of documents;
- (e) certified or uncertified copies of documents;
- (f) the registration of charges;
- (g) the inspection of register of charges;
- (h) any other matter in respect of which a fee is chargeable under the provisions of this Act:

Provided that, the Registrar may, on the direction or approval of the Commission vary or waive any of the said fees in the case of a primary society.

(2) Different fees may be prescribed for different types or kind of societies.

(3) The fee provided for under subsection (1) may be used by the Commission for regulatory purposes under the law for the time being in force.

Recovery of sums due to Government

140. All sums due from a registered society or from an officer or member or past member of a registered society as such to the Government due to and other recognized financial organization may be recovered in the Government manner provided for

the recovery for debts due to the Government under the law for the time being in force.

Regulations

141.-(1) The Minister may, after consultation with the Commission, make Regulations for better carrying on of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make Regulations-

(a) prescribing the maximum number of shares or portion of the capital of a society which may be held by a member;

(b) prescribing the various forms to be used under this Act, and the conditions to be complied with in the making of applications for the registration of society and the procedure in the matter of such applications;

(c) prescribing the matters in respect of which a society may or shall make by-laws and for the procedure to be followed in making, altering and abrogating by-laws, and the payment and interest to be made and the interest to be

- acquired before the exercise of the right of membership and to provide for the termination of membership;
- (d) prescribing the conditions to be complied with by persons applying for admission or admitted as members and provide for the election and admission of members;
 - (e) prescribing various fees payable under this Act;
 - (f) providing for the appointment, remuneration and terms of service of employees of a society;
 - (g) prescribing disciplinary procedures and other matters for employees and staff of the Commission;
 - (h) providing for the suspension and removal of members of society, Board members and supervisory committee and other relevant officers, and describe procedure of meetings of the Board and supervisory committee, and define the powers to be exercised and the duties to be performed by

- the Board and supervisory committee and other relevant officers, and provide for the delegation of the powers of the Board and supervisory committee;
- (i) providing for procedures for dispute settlement;
 - (j) providing for the withdrawal and expulsion of members and for the payments, if any, to be made to members who withdraw or are expelled and for the liabilities of past members;
 - (k) providing for the mode in which the value of the interest of a deceased members shall be ascertained and for the nomination of any person to whom such interest may be paid or transferred;
 - (l) providing for the mode in which the value of the interest of a member who has become of unsound mind and incapable of managing his affairs shall be ascertained and for the nomination of any person to whom such interest may be paid or

- transferred;
- (m) prescribing the payments to be made and the conditions to be complied with by members applying for loans, the period for loans, and amount which may be lent, to an individual member and the manner in which such loans shall be repaid;
 - (n) providing for the formation and maintenance of reserve funds, and the objects to which such funds may be applied, and for the investment of any funds under the control of the society;
 - (o) prescribing the extent to which a society may limit the number of its members;
 - (p) prescribing the conditions under which accumulated funds may be distributed to the members of a society with unlimited liability and the maximum rate of dividend which may be paid by societies;
 - (q) providing for the powers to be exercised, the duties to be performed, the remunerations entitlement

- and other terms of service of a supervising manager;
- (r) providing for the audit of the accounts of registered societies and for the charges, if any, to be made for such audit and provide for the levy of contributions from all or any registered societies to a fund to be used for the audit and supervision of existing societies and prescribe for the administration for such a fund; and
 - (s) prescribing anything that may be, or is required to be prescribed under this Act.

(3) The Regulations made by the Minister, in accordance, with this Act for savings and credit societies and banks incorporated under section 28(b) shall as much as possible be similar to Regulations pertaining to Microfinance Institutions and Financial Cooperatives.

Power of
Commission to
make rules

- 142.** The Commission may make Rules prescribing-
- (a) the accounts and books to be kept by a society;
 - (b) the returns to be submitted by a society to the

- Registrar and the persons by whom, the form and language in which such returns shall be submitted;
- (c) the maximum amount which a society may without the prior consent of the Registrar borrow either from members or from non-members;
 - (d) the procedure for amalgamation and division of societies and conditions subject to which such amalgamation or division may be affected;
 - (e) the submission of annual estimates for the approval of the Registrar;
 - (f) the periodical publication, of a balance sheet showing the assets and liabilities of a society;
 - (g) the persons by whom and the form in which copies of entries in books of societies may be certified;
 - (h) the form of the register of members and for the particulars to be entered therein;
 - (i) the manner in which funds may be raised by means of shares or debentures or otherwise and the form in

which any application for financial assistance from Government, any bank or any financial institutions shall be made;

- (j) the procedure for general meetings of the members, powers to be exercised by such meetings, methods of summoning members to such meetings and giving notice to members for such meeting; and
- (k) anything for ensuring the proper administration of the affairs of registered societies.

Certain laws not to apply
Caps 212 and 208

143. The provisions of the Companies Act and the Business Names Registration Act, shall not apply to societies registered under this Act.

Repeal and transitional provision
Cap. 211

144.-(1) The Cooperatives Societies Act, 2003 is hereby repealed.

(2) Notwithstanding the repealing of the Cooperatives Societies Act, 2003-

- (a) every society, registered under the repealed Act shall be deemed to have been registered under this Act;

- (b) every board of a registered society lawfully constituted under the provisions of the repealed Act shall be deemed to have been constituted under this Act;
- (c) any register kept in pursuance of the repealed Act shall be deemed to have been kept, and shall continue to be kept in accordance with the provisions of this Act;
- (d) any document referring to the provisions of the repealed Act shall be construed as referring to the corresponding provisions of this Act;
- (e) all orders, directions, appointments and other acts and things lawfully made or done under any of the provisions of the repealed Act and are in force immediately before the commencement of this Act, shall be deemed to have been made or done under the corresponding provisions of this Act and shall continue to have effect accordingly; and

(f) all Rules and Regulations made under the repealed Act and which are in force immediately prior to the date upon which this Act comes into operation;

shall remain in force as if they had been made under this Act.

(3) Subject to this Act, where the registration of any society was cancelled, any immovable property which prior to the cancellation of that society vested in that society, and where subsequent to the cancellation of that society another society with similar objects is formed in the area of operation of the society which is so cancelled; then such immovable property as has not been disposed off as at the time when that other society is formed, shall vest in that other society.

(4) Where any property so vested in that other society is subject of any mortgage, charge liability or any encumbrance whatsoever, then the liability to satisfy the mortgage, charge, liability or the encumbrance as the case may be, shall vest in that other society, and the name of that other society shall be substituted for that of the former society or for that of the liquidator

the Vice- Chairman may, upon application in writing signed by not less than half of the members, convene a special meeting of the Commission within twenty one days upon receiving the written applications.

(3) The Secretary of the Commission shall give to each member adequate notice of the matters to be discussed, time and place of meeting.

(4) The Commission may invite any person who is not a member to participate in the deliberations of its meetings, but such person shall not be entitled to vote.

(5) At any meeting of the Commission, in the absence of both the Chairman and the Vice-Chairman, the members present shall elect one member from amongst themselves to preside at that meeting.

(6) Voting in all elections shall be by secret ballot.

(7) The Chairman, Vice-Chairman or a person presiding at any meeting of the Commission shall, in the event of equality of votes, have a casting vote.

Vice
Chairman
n

2.-(1) There shall be Vice Chairman who shall be elected by the members of the Commission from amongst themselves in the first meeting.

(2) The tenure of Vice Chairman shall be one year and may be re-elected.

Quorum **3.** At any meeting of the Commission, the quorum shall be not less than one half of the members.

Decision
s of the
Commiss
ion **4.**-(1) Subject to the provisions relating to vote cast, all matters at a meeting of the Commission shall be determined by a majority of the votes of the members present.

(2) Notwithstanding subparagraph (1), a decision may be made by the Commission without a meeting by circulation of the relevant papers among the members, and the expression in writing of the views of the majority of the members shall be a decision of the Commission.

Minutes
of
meeting
s **5.**-(1) The Commission shall cause to be recorded and kept minutes of all business conducted or transacted at its meeting and the minutes of each meeting of the Commission signed by the Secretary shall be read and confirmed at the next meeting of the Commission and signed by the person presiding at the meeting.

(2) Any minutes purporting to be signed by the person presiding the meeting of the Commission shall in the absence of proof or error, be deemed to be a correct record of the meeting.

Establish-
ment of
the
Commit- **6.** The Commission may establish Committees as it may consider necessary or expedient to assist it in the performance of its functions.

tees

Vacancies, etc. not to invalidate acts

7. The validity of any act or proceeding of the Commission shall not be affected by any vacancy among its members or by any defect in the appointment of any of them.

Orders and directions

8. All orders, directions, notices or other documents made or issued on behalf of the Commission shall be signed by-

- (a) the Chairman of the Commission; or
- (b) the Secretary or any officer of the Commission authorised in writing in that behalf by the Secretary.

Seal of the Commission

9. The seal of the Commission shall not be affixed to any instrument except in the presence of the Chairman or the Secretary and at least one member of the Commission.

Commission may regulate its own proceedings

10. Subject to the provisions of this Schedule, the Commission may regulate its own proceedings.

Tenure and conditions of service of Commissioners **11.**-(1) A member of the Commission shall hold office for a period of three years from the date of his appointment and shall be eligible for re-appointment.

(2) A member may resign from office by giving notice in writing to the appointing authority and the resignation shall take effect from the date specified in the notice, or if no date is specified, from the date of the receipt of the notice by the appointing authority.

Replacement of members **12.** Where any member ceases to be a member for any reason before the expiration of his term of office, the appointing authority may appoint another person in his place, and the person so appointed shall hold office for the remainder of the term of office of his predecessor.

Remuneration of Commissioners **13.** The Commission shall pay to its members an allowance to be determined by the Minister responsible for finance.

SECOND SCHEDULE

(Made under section (134))

CODE OF CONDUCT

- Title 1. This Code shall be known as "A Code of Conduct for Management of "Cooperative Societies".
- Interpretation 2. In this Code of Conduct, unless the context otherwise requires:
- "Act" means the Cooperative Societies Act;
- "active member" means a member of the cooperative society who is fulfilling his or her obligations as a member as provided for in the Act, Regulations, Rules, By-laws and other cooperative guidelines as they may be issued, from time to time, by the cooperative general meeting;
- "Board" means the governing body of a registered society, elected by members at the General Meeting to whom the management of its affairs is entrusted;
- "election supervising officer" means a cooperative officer or any other officer designated by the Registrar under paragraph 21 of this Code;
- "executive Staff" means officers of a society appointed by the Board and vested with powers to manage and supervise the day to day affairs of the society and shall include the general manager or secretary,

accountant or treasurer, heads of departments and cashier;

“ICA” means International Cooperative Alliance;

“Regulations” mean regulations made under the Act;

“vetting” means conducting an investigation with a view of scrutinizing the integrity of applicants to a post in the management of Cooperative Societies in accordance to paragraph 16(3) of this Code of Conduct.

PART II

GENERAL PROVISIONS

Cooperative society principles

3. Subject to the provisions of this Act cooperative societies shall be managed according to the ICA cooperative principles which are-

- (a) voluntary and open membership;
- (b) democratic member control;
- (c) member economic participation;
- (d) autonomy and independence;
- (e) education training and information;
- (f) cooperation among cooperatives; and

(g) concern for community.

Member of
the Board

4. A cooperative society member aspiring to become a member of the Board or a person of applying for a post in the executive staff shall have to prove to the satisfaction of the appointing or the electing body or authority, as the case may be, that, he understands and is prepared to enforce the Act and the rules.

Cooperative
Society
leadership

5. A cooperative society leadership shall be of a high integrity and any cooperative member to Cooperative Society become a member of the Board or any person applying for a post in the executive staff shall have to prove to the satisfaction of the appointing or electing body or authority that:-

(a) has good education, sufficient to enable that person to handle the relevant responsibilities;

(b) has ability to manage the affairs of the cooperative society;

(c) has records of honesty of the highest level;

(d) is participating fully in cooperative society's membership affairs; and

(e) has never been disqualified from cooperative leadership at any level of the cooperative system.

Board to ensure members attendance to the general meeting

6.-(1) The general meeting, being the highest decision making body of a cooperative society, shall be respected and given its appropriate importance.

(2) The cooperative Board shall make efforts to ensure that all members are informed of the General Meeting, as required by the Act, Regulations or by-laws and shall facilitate attendance of members to that meeting.

PART III BOARD OF COOPERATIVE SOCIETY

Board to be accountable to the general meeting

7.-(1) All members of the Board shall be elected by the members at the general meeting.

Election to the Board

8.-(1) Subject to the provisions of this Act, and rules, the election of members to the Board shall be free and democratic and no member shall be elected to the Board through illegal means.

(2) Every election of the Board, shall be made in the presence of the Election Supervising Officer.

(3) The Election Supervising Officer shall immediately report to the Registrar any irregularity or suspicion thereof in the manner of which members to the Board were elected.

(4) For the purpose of this section words-
“illegal means” means acts of corruption, coercion, intimidation or nepotism.

Condition for
members to
fill forms

9. Every member aspiring to be elected to the Board shall have to fill a relevant forms disclosing the following information-

(a) personal details or personal history and experience in cooperative leadership forms;

(b) cooperative membership records indicating performance, records in fulfilling membership obligations provided in the Act, Regulations and by-laws;

(c) anticipated contribution to the development of the cooperative society after becoming a cooperative leader;

(d) level of education;

(e) cooperative education already acquired;

(f) type of business or activities being undertaken by that member;

(g) any other information deemed relevant for being elected as a board member; and

and shall submit forms to the Election Supervising Officer.

Forms to indicate property owned

10.-(1) Every member of the Board shall, for each year fill relevant forms to be submitted to Registrar declaring property or business property he or she owns or controls.

(2) The forms filled under subparagraph (1) of this paragraph shall be read at the annual general meeting by the Registrar or his representative.

Conflict of interest by members

11. Subject to the relevant provisions in this Act and Regulations, no member shall be elected as a member to the Board if he owns, controls or influences businesses or activities like that of the cooperative society.

No duplicity of roles

12. Board members shall observe their roles and responsibilities provided in this rules and by-laws and no Board member shall interfere with responsibilities reserved for the executive staff of the cooperative society.

Board members to

13. Before assuming the responsibilities of a Board, every elected Board member

attend seminar shall attend a seminar on cooperative management, which shall be organized by the cooperative society concerned.

PART IV
COOPERATIVE EXECUTIVE STAFF

Executive staff to be appointed by the Board **14.** Cooperative executive staff shall be appointed by the Board, and shall be accountable to the Act, Cooperative rules and by-laws.

Executive staff to be appointed on competence basis **15.-(1).** Executive staff of cooperatives shall be appointed on the basis of their competence in Executive running day to day activities of the cooperative society and no executive staff shall be appointed staff to be for other reasons-appointed on competence.

(2) The following reasons or grounds shall not be considered when appointing an executive staff.

(a) relation with some of the members of the Board (nepotism);

(b) colour or tribe;

(c) wealth;

(d) illegal means to induce a decision for appointment;

(e) any other reason which under

the provisions of the Act, regulations or by-laws warrant such an appointment to be null and void.

Executive staff to be interviewed and vetted

16.-(1) Subject to provisions of paragraph 15(1), Regulations and by-laws, the vacancy for the executive staff shall be made known to the public thirty days before holding on interview.

(2) Every appointment for filling any vacancy for executive staff, shall be done on the basis of highest points or marks scored in any interview conducted for such purposes.

(3) In addition to an interview, officers seeking for appointments in executive staff positions in cooperatives of the secondary and other upper levels, shall be vetted through the Registrar:

Provided that, no officer seeking for appointments in executive staff positions of the primary societies shall be vetted unless the Registrar is satisfied that it is in the interest of the society to do so.

No conflict of interest

17. Subject to the relevant provisions in the Act, Regulations or by-laws, no person shall be elected as a member to the executive staff position if he or she owns, controls or commands influence of businesses or activities like that of the cooperative society.

Application forms

18. Application for an executive staff position shall be accompanied by relevant forms which shall indicate the following details forms.

A: Executive staff of the Primary Society-

- (i) level of education;
- (ii) understanding of both Kiswahili and English languages;
- (iii) capacity to be trained (trainability);
- (iv) names and addresses of at least two referees;
- (v) names and addresses of at least two guarantors;
- (vi) type of business or activities being undertaken by the applicant;
- (vii) any other information deemed relevant.

B: Executive Staff of the Secondary and Upper Level Societies:

- (i) academic qualification relevant for the position

applied for;

- (ii) knowledge and experience of cooperative society movement and its relevance to the members;
- (iii) knowledge and understanding of the culture and norms of the society or community of the members of the relevant cooperative society;
- (iv) names and addresses of at least two referees;
- (v) names and addresses of at least two guarantors;
- (vi) type of business or activities being undertaken by the applicant;
- (vii) any other information deemed relevant.

Additional requirements to Executive staff of upper level societies

19.-(1) In addition to the information disclosed under paragraph 18, persons applying for an executive staff position at the secondary and Upper Level Societies shall, for each year of which they are in the executive staff position, fill relevant forms to declare property and business they own or control.

(2) The forms filled under subparagraph (1) of this paragraph shall be read at the Board meeting by the Registrar or his representative.

PART V
MISCELLANEOUS PROVISIONS

Honorarium
or bonus

20.-(1) Subject to the relevant provisions in the Act, or Regulations and in recognition of outstanding performance, cooperative society shall establish a system of reward, by way of honorarium or bonus, to members of the cooperative Board or executive staff whose performance in the cooperative management is of outstanding quality.

(2) The honorarium or bonus may be given on a group or individual basis.

Registrar to
designate
election
supervi-sing
officers

21. The Registrar shall appoint officer from the civil service or cooperative movement and designate them as election supervising officers.

Cease to
hold
leadership

22.-(1) A person may voluntarily cease to hold a leadership position of cooperative society.

(2) If before ceasing to hold a relevant position as provided for under the provision of subparagraph (1) of this paragraph, the person concerned, due to negligence or fraudulent behaviors,

performed acts which as a result of his acts, the cooperative society suffered loss, that person together with his or her guarantors shall be liable and shall, in respect of cooperative societies, compensate full the cooperative society for the loss occasioned.

Automatic
loss of
positions in
the
cooperative
systems as a
result of
breach of
Code

23. In addition to the penalties provided for under section 125 of this Act, any person who contravenes the provisions of this Code, shall automatically loose all leadership positions he was holding in the cooperative system before that contravention.

THIRD SCHEDULE

(Under section 69(2))

PROVISIONS RELATING TO THE MANAGEMENT
OF REGISTERED SOCIETIES

General
meeting

1.-(1) The general meeting shall have the following functions-

(a) the election, suspension or removal of members of the Board

(b) the consideration and adoption

of the annual balance sheet;

- (c) the disposal of sums available for distribution;
- (d) determining the amount of honoraria, if any, for unsalaried officers and Board members;
- (e) receiving the report from the Board Committee; and
- (f) the acquisition or disposal by the society of all immovable property and of movable property of such value as provided for in the regulations.

(2) Every society shall hold a general meeting at least once in a year.

(3) The Registrar, or any other person authorized by him may-

- (a) summon a special general meeting of the society in such a manner and at such time and place as he may direct;
- (b) direct what matters shall be discussed at the meeting;

(4) The meeting of the society under subparagraph (4) shall have all the powers and subject to the same regulations as meeting called in accordance with the by-laws of the

society.

(5) A special general meeting shall be held by a society where-

- (a) at least one third of members signify in writing their intention to hold such meeting;
- (b) the Board may cause to be convened a Special General Meeting:

Provided that, where the procedure to hold a special general meeting under item (b) fails, an application to hold such a meeting shall be lodged to the Registrar.

(6) Notwithstanding the provisions of this Act, a registered society may owing to its size and scope provide in its by-laws for a constitution of a meeting of delegates in place of general meeting through the creation of basic units to attend general meeting of that society for and on behalf of members.

(7) Where for the purpose of this Act any question arises as to whether-

- (a) a person is following a relevant trade to the society;
- (b) a person is a resident in the area of operation;

(c) two or more societies be considered to form a joint venture;

(d) a person has attained the age of eighteen years; shall be decided by the members at a general meeting.

(8) Any person aggrieved by a decision of the members at a general meeting as given under subparagraph (7), may in writing appeal to the Registrar.

(9) If the party is not satisfied with the decision of the Registrar, he shall in writing appeal to the Commission, and the decision of the Commission shall be final.

Establishment
of Board

2. Every registered society shall establish a Board to manage its day to day activities.

Constitution
of the Board

3.-(1) Every Board of a registered society shall consist of not less than five members and not more than nine members including the Board chairman and vice chairman.

(2) The members of the Board shall be elected by the general meeting of the society and shall hold office for a period of up to nine years provided that, in the case of those members of the Board

elected at the first general meeting of the society, one third of such members shall be voted out at the general meeting after the expiration of a period of three years from the date of their election, and one half of the remaining members shall be voted out after expiration of a period of six years from the date of election, and the remaining half shall leave office at the end of a period of nine years.

(3) For the purpose of the proviso to subparagraph (2), the general meeting shall vote one third of new Board members at the end of a period of three, six and nine years.

(4) For the purpose of the proviso to subparagraph (2), the expression "one third" shall mean, where the number of members is not three or multiple of three the nearest whole number below one third and the expression "one half" shall mean, where the number of the members is not an even number the nearest whole number below one half.

(5) Where any person is elected to the Board to fill a vacancy caused by death, resignation or removal of a member of the Board, such person shall hold office for the remainder of the term of office of his predecessor.

(6) No member of the Board shall serve for more than three consecutive

terms but may be eligible for re-election after the expiration of one term of three years during which such member was not part of leadership.

Powers of the Board

4.-(1) The Board shall exercise all powers necessary to ensure the proper administration of the society subject to the by-laws of the society, the regulations and any resolutions passed at the general meeting.

(2) The Board may, appoint a suitable person to administer and manage affairs of the society and may employ such number of persons as the Board may think fit to assist such person in the discharge of his functions:

Provided that, such person shall not have a record of previous conviction on a criminal charge involving dishonesty or by a person who has in the past been dismissed from public service on ground of mismanagement or on any disciplinary ground.

(3) Where a person employed under subparagraph (2) is not performing his functions satisfactorily, the Board shall terminate the employment of that person subject to any law for the time being regulating termination of employment.

Restriction relating to

5.-(1) No member of the Board of a registered society shall hold any office of

members of the Board profit under the society.

(2) A member of the Board of a registered society may receive an honorarium from the society as determined and authorized by the general meeting, subject to the provision of subparagraph (4).

(3) A member of the Board who is in the employment of a registered society other than the society to which he is a member and is in receipt of emoluments for such employment shall not be entitled to receive any honorarium as a member of the Board.

(4) The honorarium if any may be paid only by Primary and Secondary societies.

(5) No member shall be elected as a member to the Board if he owns, controls or influences businesses or activities like that of the Cooperative society.

Suspension and election of the new Board

6.-(1) Where the Registrar after giving consideration to the inspection and audit report or after giving an order under section 57 is of the opinion that the Board of a registered society is not performing its duties properly he shall cause to be held a special general meeting by notice in writing and advise it as appropriate.

(2) Where the special general meeting resolves to suspend members of

the Board, it shall-

- (a) elect a caretaker Board from amongst the delegates to administer the affairs of the society;
- (b) require the suspended member to state their objections if any in writing jointly and severally in the next general meeting.

(3) Where after giving an opportunity to the Board to state its objections, if any, of its suspension in the general meeting and the latter disapproves the objections, then a new Board shall be elected to that effect by the general meeting.

(4) Subject to subparagraph (1), where the special general meeting resolves to disagree with the advise of the Registrar on financial malpractices the effects of which the society is rendered unable to settle its liabilities, the members shall be liable for the payment of the debts.

Power of the Registrar

7.-(1) Subject to the provisions of paragraph 6, where the Registrar is satisfied that it is in the interest of the members, he shall remove the Board and appoint a care taker Board which shall have the duty to manage the affairs of a registered society and to comply with the directions which the special general

meeting may give and the appointed caretaker Board shall serve for the period of not exceeding three years.

(2) Where the Registrar removes the Board under subparagraph (1), the member of the Board so removed may appeal to the Commission and the decision of the Commission shall be final.

Powers of
persons
appointed
under
paragraph 7

8. Subject to the general direction and control of the special general meeting, any person or persons appointed under paragraph 7 to assume the functions of the Board of any registered society shall have all the powers, rights and privileges of a duly constituted Board of the Society.

OBJECTS AND REASONS

The Cooperative Societies Act (Cap 211) was enacted in 2003 to regulate and control the activities of all cooperative societies through registration. This Bill is intending to repeal the Cooperative Societies Act (Cap 211) and re-enacting it with a view of establishing the Tanzania Cooperative Development Commission charged with the promotional and regulatory functions of cooperative societies. The Tanzania Cooperative Development Commission proposed shall be an independent department of the Government under the Ministry responsible for cooperatives.

This Bill is divided into Fifteen Parts as follows:

Part I provides for preliminary provisions which include in the citation and certain term used in the Bill.

Part II deals with the objects and protection of cooperative societies of, which provide matters or registration of cooperative societies, and the responsibilities of the Minister towards cooperatives. Furthermore duty of Government to Cooperative societies has been provided.

Part III provides for establishment of the Tanzania Development Commission, its composition and functions. Also the appointment of Registrar and his functions has been stipulated and the status of Cooperative Officers under Regional Secretariats and Local Government Authorities has been provided.

Part IV deals with formation and organization of societies where by structure of cooperative societies, objects and

functions of primary societies, secondary societies and federation have been provided.

Part V deals with registration of societies, specifically this Part provides for the conditions for registration, refusal of registration, types of societies to be registered, provision of certificate of registration, recognition and registration of pre-cooperative and cancellation of notice of deferment.

Part VI deals with rights and liabilities of members in terms of liabilities of past members, liability of estate of deceased member, right of voting, rights of minors, liabilities and restriction regarding shares.

Part VII deals with duties of registered societies which intend to specify matters of duties of registered societies, power to make or amend by-laws of registered society, Registrar to require bank to produce information, communication of defects in the operation of a registered society and returns to be made by registered societies. This Part also deals with privileges of registered societies of which matters of defect in the by-laws not to render act of a registered society invalid, disposal of produce through a registered society, creation of charge in favour of registered society exemption and paying tax and leadership have been provided.

Part VIII deals with property and funds of registered societies, whereby revenue of registered societies, management of revenue and funds of a registered societies restriction or loan, investment and inspection of funds, financial provision dividends and bonus, contribution for charitable, educational and medical purposes and other related matters have been observed.

Part IX deals with creation and registration of charges and related matters such as endorsement of certificate, enforcement of security, right to inspect copies of instruments creating mortgages charges and society register of charges.

Part X is deals with inspection of affairs, whereby matters of inquiry by Registrar, inspection costs of inquiry and surcharge have been observed.

Part XI deals with amalgamation and division of Cooperative Societies and defects or irregularity in notice.

Part XII deals with dissolution of Cooperative societies where by matters on dissolution and cancellation of registered Cooperative Societies , appeal against cancellation, liquidation, power of the registrar on liquidation, avoidances of disposition of property after cancellation and obligation of court to goods taken in execution have been observed.

Part XIII deals with financial provisions as on sources of funds of the commission, the annual budget of the commission, accounting and audit and the financial year of the accounts have been provided.

Part XIV deals with offences against body corporate where offences by body corporate of firm, agents, officers of societies being wound up and prohibition of use of the word "cooperative" Furthermore penalty for soliciting violation of contract have been provided for registered society, an officer, a member of a registered society or any other person under the proposed Act.

Part XV deals with miscellaneous provision where by issues on publication in the *Gazette*, prosecutors who shall be responsible for prosecution of cases involving cooperatives societies, immunity, power to exempt societies Regulations

and that of the Commission to make rules and transitional provisions are provided.

MADHUMUNI NA SABABU

Sheria ya Vyama vya Ushirika Sura ya 211 ilitungwa na Bunge mwaka 2003 kwa nia ya kusimamia na kudhibiti shughuli za vyama vya ushirika nchini kwa kuvisajili. Muswada huu unakusudia kufuta Sheria ya Vyama vya Ushirika Sura ya 211 na kuitunga upya ili kuwezesha kuundwa kwa Tume ya Maendeleo ya Ushirika Tanzania; ambayo itashughulika na uhamasishaji, uendelezaji na udhibiti wa vyama vya ushirika. Tume inayokusudiwa kuundwa itakuwa ni Idara inayojitegemea ndani ya Wizara yenye dhamana ya Maendeleo ya Ushirika.

Muswada huu umegawanyika katika sehemu Kumi na Tano:

Sehemu ya Kwanza inaweka masharti ya utangulizi ambayo yanajumuisha jina la Sheria na maana ya maneno mbalimbali yaliyotumika ndani ya Muswada.

Sehemu ya Pili inahusu madhumuni na kulindwa kwa wa Vyama vya Ushirika ambapo masuala ya wajibu wa Serikali na Waziri mwenye dhamana ya maendeleo ya ushirika yameelezwa.

Sehemu ya Tatu inahusu uundwaji wa Tume ya Maendeleo ya Ushirika, wajumbe wa Tume, kazi za Tume, uwezo wa Tume, uteuzi wa Msajili wa Tume na kazi zake.

Sehemu ya Nne inaweka utaratibu wa kuanzisha Vyama vya Ushirika ambapo malengo na majukumu ya vyama vya ushirika vya msingi, vya kati na shirikisho yameelezwa.

Sehemu ya Tano inahusu namna ya kufanya usajili wa Vyama vya Ushirika ambapo utaratibu wa kusajili, aina ya Vyama vya Ushirika vitakavyosajiliwa umeelezwa, Aidha, utambuaji na usajili wa vikundi vya ushirika na namna ya kuvifuta umeelezwa.

Sehemu ya Sita inahusu haki na dhima ya wanachama wa vyama vya ushirika ambapo masuala kama ya upigaji wa kura, haki ya mwanachama mwenye umri mdogo, dhima ya mwanachama aliyefariki, uanachama wa kampuni na dhima ya mwanachama wa zamani vimeelezwa.

Sehemu ya Saba inahusu majukumu ya vyama vilivyosajiliwa ambapo inaainisha majukumu ya vyama vilivyosajiliwa kutunga na kufanya marekebisho ya masharti. Aidha, mamlaka ya Mrajis ya kuzitaka benki kutoa taarifa zinazohusu shughuli za chama cha ushirika, utoaji taarifa kuhusu upungufu uliyobainika katika shughuli za chama cha ushirika na utoaji wa taarifa za vyama vya ushirika kwa Mrajis vimeelezwa. Sehemu hii pia inahusu upendeleo unaotolewa kwa vyama vya ushirika kutokana na upungufu unaotokana na masharti ya kusajiliwa, ambao hautafanya utekelezaji wa shughuli zake kuwa batili. Vilevile masuala yanayohusu uuzwaji wa mazao kupitia vyama vya ushirika vilivyosajiliwa, ubunifu wa tozo kwa ajili ya vyama vilivyosajiliwa na kusamehe kodi yameelezwa.

Sehemu ya Nane inahusu mali na fedha za vyama vya ushirika ambapo masuala ya mapato ya vyama vya ushirika na usimamizi wake, uwekezaji wa fedha za vyama vya ushirika, ukaguzi wa fedha, kanuni za fedha, malimbikizo,

ugawaji wa masalio na uchangiaji wa hisani kwenye elimu na matibabu vimeelezwa.

Sehemu ya Tisa inahusu udhaminishaji ambapo masuala ya usajili wa dhamana, uidhinishwaji wa cheti cha usajili wa karadha, haki ya chama cha ushirika kutunza nakala za nyaraka zilizodhaminisha dhamana, daftari la dhamana la chama cha ushirika, haki ya kukagua nyaraka zilizodhaminisha dhamana la dadftari la dhamana ya chama cha ushirika yameelezwa.

Sehemu ya Kumi inahusu ukaguzi wa shughuli za vyama vya ushirika ambapo masuala ya Mrajis kukagua shughuli za Vyama vya Ushirika, uteuzi wa maafisa ushirika kuwa wakaguzi wa vyama vya ushirika, gharama za ukaguzi na tozo yameelezwa.

Sehemu ya Kumi na Moja inahusu uunganishaji na ugawanyaji wa vyama vya ushirika ambapo masuala ya uunganishaji, upungufu kwenye notisi au amri ya kuunganisha au kugawanya chama cha ushirika na ugawanyaji wa vyama vya ushirika yameanishwa.

Sehemu ya Kumi na Mbili inahusu kuvunjwa kwa vyama vya ushirika ambapo masuala ya kuvunjwa kwa chama, kufutwa kwa usajili wa chama, rufaa dhidi ya kufutwa wa usajili, mamlaka ya mfilisi, mamlaka ya Mrajis kudhibiti ufilisi, uepukaji wa kuuzwa mali za chama baada ya chama kufutwa, uepukaji wa kufungamanishwa kwa mali za chama baada ya kufutwa, wajibu wa Mahakama na utunzaji wa vitabu na kumbukumbu yameelezwa.

Sehemu ya Kumi na Tatu inahusu masharti ya fedha ambapo masuala ya fedha za Tume, bajeti ya mwaka ya Tume, utunzaji wa vitabu vya hesabu na ukaguzi yameelezwa.

Sehemu ya Kumi na Nne inahusu makosa kwenye vyama vya ushirika ambapo makosa yanayofanywa na chama kama Asasi, wakala, maofisa wa vyama wakati wa kufilisiwa na zuiwa la kutumia neno “Ushirika” yameelezwa.

Sehemu ya Kumi na Tano inahusu mambo mengineyo ambapo masuala ya waendesha mashtaka maalumu wa kesi zinazohusu vyama vya ushirika, maadili ya uongozi, kinga, mamlaka ya kusamehe chama cha ushirika kilichopungukiwa na masharti ya kusajiliwa yameelezwa. Aidha, uteuzi wa mjumbe maalum wa Bodi na mamlaka yake, ada, ruzuku kutoka Serikalini, kanuni, baadhi ya sheria kutohusika na mabadiliko ya sheria pia yametolewa ufafanuzi.

Dar es Salaam,
13 Desemba, 2012

CHRISTOPHER K. CHIZA
Waziri wa Kilimo, Chakula na Ushirika

NAIBU SPIKA: Naomba nimwite sasa Mheshimiwa Waziri wa Kilimo, Chakula na Ushirika, Mheshimiwa Mhandisi Chiza, karibu sana Mheshimiwa Waziri, endelea!

WAZIRI WA KILIMO, CHAKULA NA USHIRIKA: Mheshimiwa Naibu Spika, naomba kutoa hoja kwamba, Muswada uitwao Sheria ya Vyama vya Ushirika (*The Cooperative Societies Bill, 2013*) kama ulivyorekebisha kwa mujibu wa Jedwali la marekebisha sasa usomwe mara ya pili na Bunge lako Tukufu liujadili na hatimaye liupitisha kuwa Sheria.

Mheshimiwa Naibu Spika, kwanza, nachukua fursa hii kukushukuru wewe na Mheshimiwa Spika pamoja na

Waheshimiwa Wabunge wenzangu kwa ushirikiano mnaonipa katika kutimiza majukumu yangu ya Ubunge na ya Uwaziri.

Mheshimiwa Naibu Spika, napenda pia kuwashukuru na kuwapongeza Wajumbe wa Kamati ya Bunge ya Kudumu ya Kilimo, Mifugo na Maji, chini ya Mwenyekiti wake mahiri Mheshimiwa Profesa Peter Mahamud Msolla, Mbunge wa Kilolo, kwa ushauri na ushirikiano walioutoa wakati wa maandalizi na upitishwaji wa Muswada huu. Maoni na ushauri wao umesaidia katika kuboresha Muswada huu.

Mheshimiwa Naibu Spika, aidha, natoa shukrani za dhati, tena kutoka kwenye sakafu ya moyo wangu kwa Naibu Waziri, Mheshimiwa Adam Kighoma Malima, Mbunge wa Mkuranga, Watendaji Wakuu wa Wizara ya Kilimo Chakula na Ushirika, hususan Bi Sophia Kaduma, Katibu Mkuu; Engineer Mbogo Mfutakamaba, Naibu Katibu Mkuu; Dkt. Yamungu Kayanda Vila, Naibu Katibu Mkuu; Wakurugenzi pamoja na wataalam wote katika Wizara waliohusika katika kuandaa mapendekezo ya Muswada huu. Haikuwa kazi ndogo, wote nawashukuru sana.

Mheshimiwa Naibu Spika, kipekee namshukuru pia Mwanasheria Mkuu wa Serikali, Jaji Federick Werema, Mwandishi wa Sheria, Mpiga Chapa Mkuu wa Serikali na Maafisa wote wa Ofisi ya Mwanasheria Mkuu wa Serikali kwa ushirikiano wao mkubwa wa kuwezesha kuandaliwa kwa Muswada huu.

Mheshimiwa Naibu Spika, nachukua fursa hii pia kuwashukuru sana wadau wote wa Ushirika nchini kwa michango yao katika maandalizi ya Muswada huu ambayo kimsingi yamezingatiwa. Wadau hao ni pamoja na Benki Kuu ya Tanzania (*BOT*), Shirikisho la Vyama vya Ushirika (*TFC*), Chuo Kikuu Kishiriki cha Ushirika na Biashara – Moshi (*MUCCoBS*), Shirika la Ukaguzi na Usimamizi wa Vyama vya Ushirika (*COASCO*) na Kongamano la Kitaifa la Wanaushirika (*National Cooperators Congress-NCC*) na vyama vya ushirika nchini kupitia wawakilishi wako.

Mheshimiwa Naibu Spika, aidha, kupitia Mikutano ya Wadau wa mazao ya pamba, kahawa, korosho, tumbaku, chai, mkonge, pareto, sukari na mazao mengine. Tumepata michango mingi ambayo imetusaidia sana kuboresha Muswada huu.

Mheshimiwa Spika, Muswada ulio mbele ya Bunge lako Tukufu unakusudia kufuta Sheria ya Vyama vya Ushirika namba 20 ya Mwaka 2003 na kutunga Sheria mpya ya Vyama vya Ushirika ya Mwaka 2013. Muswada ulisomwa kwa mara ya kwanza katika Bunge hili tarehe 30 Januari, 2013 na umejadiliwa kwa kina na Kamati ya Bunge ya Kudumu ya Kilimo Mifugo na Maji kwa kuzingatia kanuni za Bunge hili.

Mheshimiwa Naibu Spika, hali ya Vyama vya Ushirika nchini sio nzuri ukilinganisha na zamani. Vyama vingi vya Ushirika vimegubikwa na ubadhirifu, weledi mdogo, uaminifu mdogo baina ya watendaji, mambo ambayo yanachangia wananchi kutokuwa na imani na Ushirika.

Mheshimiwa Naibu Spika, wote tunajua mchango wa Vyama vya Ushirika kama vile *KNCU, KCU*, Ingembensabo na Vyama vingine katika kuendeleza huduma za elimu, afya na maendeleo ya jamii, jambo ambalo kwa sasa halifanyiki kama ilivyokuwa hapo zamani.

Mheshimiwa Naibu Spika, kutungwa kwa Sheria hii kumetokana na azma ya Serikali ya kufufua, kuimarisha na kuendeleza ushirika nchini ili kurejesha imani kwa watu. Sheria hii pamoja na mambo mengine, inalenga katika kutekeleza Sera ya Maendeleo ya Ushirika ya mwaka, 2002 ambayo lengo lake kuu ni kuwa na Vyama vya Ushirika imara, endelevu na vyenye uwezo wa kukidhi mahitaji ya wanachama ya kiuchumi na kijamii chini ya mazingira ya uchumi wa soko huru.

Mheshimiwa Naibu Spika, aidha, ushirika ni mojawapo ya nyenzo kuu za kufanikisha Dira ya Maendeleo ya Taifa, 2025 ambayo lengo lake kuu la muda mrefu ni kupatikana kwa maendeleo endelevu ya binadamu.

Mheshimiwa Naibu Spika, chini ya uchumi wa soko huru, Serikali inaamini kuwa jukumu kuu la ushirika ni kuanzisha na kuendeleza vyama vya ushirika ambavyo msingi wake ni wanachama; vinavyofanya shughuli zake kiushindani kwa manufaa ya maendeleo ya kiuchumi na kijamii ya wanachama wa sasa na wa baadaye vikiwa vyombo huru vya kiuchumi.

Mheshimiwa Naibu Spika, kwa mujibu wa Sera ya Maendeleo ya Ushirika ya 2002, jukumu la Serikali ni kuweka mazingira stahiki ya usimamizi na uhamasishaji wa maendeleo ya Vyama vya Ushirika, ikiwa ni pamoja na mambo yafuatayo:-

- (a) Kuhakikisha kuwepo kwa uongozi na menejimenti yenye uwezo wa kusimamia ushirika kibiashara na ambayo inawajibika kwa wanachama;
- (b) Kuweka na kuimarisha muundo wa ushirika unaofaa na wenye ufanisi;
- (c) Kusaidia na kuhimiza utoaji wa elimu na mafunzo ya ushirika; na
- (d) Kupanua wigo wa shughuli za Vyama vya Ushirika kwa kuhimiza na kusaidia uanzishwaji wa Vyama vya Ushirika katika sekta mbalimbali kwa hiari.

Mheshimiwa Spika, miongoni mwa hatua za utekelezaji wa Sera ya Maendeleo ya Ushirika ya mwaka 2002, Serikali kupitia Bunge ilitunga Sheria ya Vyama vya Ushirika Na. 20 ya mwaka 2003 na kuweka utaratibu wa utekelezaji wake kupitia Programu ya Mageuzi na Modernaizesheni ya Ushirika (*Cooperative Reform and Modernization Program – CRMP*) ya mwaka 2005.

Mheshimiwa Naibu Spika, malengo mahsusi ya *CRMP* ni pamoja na:-

- (a) Kuwezesha kuibua mfumo wa Ushirika ambao msingi wake ni Wanachama na Vyama vya Msingi;
- (b) Kuhamasisha kuwepo kwa Viongozi wa Ushirika wanaowajibika kwa Wanachama na ambao ni wabunifu kibiashara;
- (c) Kujasirisha Wanachama kwa kuwawezesha kupata Elimu na Stadi za Ushirika zitakazowawezesha kuendeleza Vyama vyao;
- (d) Kuhimiza na kuwezesha mabadiliko katika Mfumo wa *SACCOS* na Benki za Ushirika ili Vyombo hivyo viweze kuwahudumia Wanachama kikamilifu;
- (e) Kuhimiza na Kuhamasisha Uanzishaji na Uendelezaji wa Vyama vya Ushirika vyenye Nguvu za Kiuchumi na Endelevu kulingana na mahitaji ya Wanachama, Jamii na Taifa; na

- (f) Kuimarisha Idara, Taasisi na Asasi zinazoshughulikia maendeleo ya Ushirika.

Mheshimiwa Naibu Spika, changamoto za utekelezaji wa Sheria ya Vyama vya Ushirika ya mwaka 2003 na *CRMP*, 2005. Utekelezaji wa Sheria ya Vyama vya Ushirika ya mwaka 2003 na *CRMP*, 2005 umekumbana na changamoto mbalimbali na hivyo kukwamisha malengo ya Serikali kama yalivyoainishwa kwenye Sera ya Maendeleo ya Ushirika na Dira ya Maendeleo ya Taifa. Changamoto hizo ni pamoja na zifuatazo:-

- (a) Ukinzani wa kimuundo unaokwaza mtiririko wa mamlaka ya Mrajisi wa Vyama vya Ushirika katika usimamizi wa Vyama vya Ushirika kwenye ngazi ya Mamlaka za Mikoa na Serikali za Mitaa. Hali hiyo inasababisha maelekezo ya Mrajisi kutotekelezwa ipasavyo kutokana na Warajisi Wasaidizi walioko Mikoani na Maafisa Ushirika walioko katika Serikali za Mitaa kukosa mahusiano ya uwajibikaji kwa Mrajisi na hivyo kukosa uwezeshaji unaohitajika kiutaalam ili watekeleze kazi za Mrajisi za ukaguzi na usimamizi wa Vyama vya Ushirika;
- (b) Uongozi na uwajibikaji hafifu na uaminifu mdogo ndani ya Vyama vya Ushirika;
- (c) Kukosekana kwa mfumo rasmi wa utoaji elimu ya ushirika kwa wananchi na wanachama ambayo ingewawezesha kutambua haki na wajibu wao katika Vyama vya Ushirika na kupata stadi za kibiashara ili

waweze kuendesha na kusimamia Vyama vyao kwa ufanisi. Badala yake umekuwepo mwikitiko hafifu wa wananchi katika masuala ya ushirika kutokana na historia ya ubadhirifu;

- (d) Ukaguzi na usimamizi dhaifu wa Vyama vya Ushirika unaosababishwa na udhaifu wa Taasisi zinazosimamia Vyama vya Ushirika ambazo ni pamoja na Idara ya Maendeleo ya Ushirika na Shirika la Ukaguzi na Usimamizi wa Vyama vya Ushirika (*COASCO*) kutokuwa na watumishi wa kutosha na vitendea kazi. Aidha, taasisi hizi hazina fedha na vitendea kazi vya kutosha kutekeleza majukumu yao; na
- (e) Kukosekana kwa fedha za maendeleo za kugharamia mfumo wa utekelezaji na uratibu wa *CRMP* kama ilivyo kwenye Program ya Uendelezaji wa Sekta ya Kilimo (*ASDP*).

Mheshimiwa Spika, hatua zilizochukuliwa kuboresha sekta ya Ushirika nchini; kwa kutambua changamoto za Vyama vya Ushirika na kwa lengo la kuviwezesha kuimarika ili viweze kuwanufaisha wananchi wengi nchini, mwezi Februari, 2008, Mheshimiwa Rais wa Jamhuri ya Muungano wa Tanzania aliagiza kuanzishwa kwa Tume ya Maendeleo ya Ushirika. Agizo hilo lilizingatia ukweli kuwa dhana ya ushirika ni mtambuka na utekelezaji wake unahusisha sekta mbalimbali kama vile kilimo, fedha, viwanda, sanaa, mifugo, uvuvi, usafirishaji, makazi na nyumba, maliasili na madini.

Mheshimiwa Naibu Spika, kuanzishwa kwa Tume ya Maendeleo ya Ushirika na marekebisho mengine katika Sheria ya Vyama vya Ushirika ya mwaka 2003 ambayo yamesababisha Muswada huu, yanalenga kuzipatia ufumbuzi changamoto kuu za ushirika nchini hasa katika mfumo wa usimamizi na uhamasishaji.

Mheshimiwa Spika, Madhumuni ya Kutungwa kwa Sheria Mpya ya Vyama vya Ushirika. Madhumuni ya Muswada huu ni kufuta Sheria ya Vyama vya Ushirika Na. 20 ya mwaka 2003 na kutunga Sheria ya Vyama vya Ushirika ya mwaka 2013.

Mheshimiwa Naibu Spika, Sheria inayopendekezwa kutungwa, pamoja na mambo mengine, inalenga kutekeleza azma ya Serikali ya kuimarisha muundo wa usimamizi na udhibiti wa Vyama vya Ushirika pamoja na kurazinisha (*rationalize*) majukumu ya usimamizi na udhibiti

(regulatory functions) na yale ya uhamasishaji na uendelezaji wa Vyama vya Ushirika *(promotional functions)*.

Mheshimiwa Naibu Spika, nia ya Serikali ni kuongeza ufanisi katika utekelezaji wa masuala ya maendeleo ya ushirika katika sekta zote za uchumi na kuimarisha usimamizi na uwajibikaji wa viongozi na watendaji watakaokabidhiwa majukumu ya usimamizi na uendeshaji wa Vyama vya Ushirika.

Mheshimiwa Naibu Spika, mapendekezo katika Sheria yanalenga kuiwezesha Tume kujikita zaidi katika jukumu la usimamizi na udhibiti katika ngazi zote za utawala. Aidha, jukumu la uhamasishaji na uendelezaji wa ushirika katika sekta zote za kiuchumi na kijamii zinazosimamiwa na mamlaka mbalimbali zikiwemo Wizara za kisekta, Mamlaka za Mikoa na Serikali za Mitaa, litaratibiwa na Tume kwa kushirikiana na sekta husika.

Mheshimiwa Naibu Spika, majukumu ya usimamizi na udhibiti *(regulatory functions)* yatajumuisha pamoja na mambo mengine, usajili wa Vyama vya Ushirika, ukaguzi, usuluhishi na utatuzi wa migogoro katika vyama, usimamizi wa chaguzi za viongozi na ajira za watendaji wa vyama, usimamizi wa utekelezaji wa maadili ya viongozi wa vyama na ufutaji wa vyama ambavyo vitakiuka masharti ya usajili.

Mheshimiwa Naibu Spika, majukumu ya uhamasishaji na uendelezaji *(promotional functions)* yatajumuisha utoaji wa elimu na mafunzo ya ushirika utakaojielekeza katika kupanua uwezo wa uelewa na ufahamu wa dhana

mbalimbali za ushirika zikiwemo haki na wajibu wa wanachama, uongozi na uendeshaji wa vyama na uandaaji na utekelezaji wa mipango ya maendeleo na mipango biashara ya vyama (*business plans*).

Mheshimiwa Naibu Spika, majukumu ya uhamasishaji na uendelezaji wa Vyama vya Ushirika yatahusisha pia uratibu na ushirikishwaji wa Wizara za kisekta, Mamlaka za Mikoa na Serikali za Mitaa na wadau wengine katika kuhimiza na kukuza maendeleo halisi na endelevu ya Vyama vya Ushirika, ikiwa ni pamoja na kuongeza mwamko wa umma, vijana na makundi mengineyo kuhusu asili na manufaa ya Vyama vya Ushirika.

Mheshimiwa Naibu Spika, mambo muhimu yaliyozingatiwa katika Muswada ni pamoja na yafuatayo:-

- (a) Kuainisha majukumu ya Waziri mwenye dhamana ya maendeleo ya ushirika katika Tume ambayo ni pamoja na kutoa maelekezo maalum au ya kiujumla kwa Tume kwa mujibu wa Sheria ya Vyama vya Ushirika;
- (b) Kuhakikisha Sheria mpya ya Vyama vya Ushirika ya mwaka 2013 inaainisha na kutenganisha majukumu ya Tume yaani majukumu ya uhamasishaji wa maendeleo ya ushirika na majukumu ya usimamizi na udhibiti wa Vyama vya Ushirika;
- (c) Kuweka utaratibu utakaoweza majukumu ya maendeleo ya ushirika katika ngazi ya Wizara za

kisekta, Mamlaka za Mikoa na Serikali za Mitaa yatekelezwe chini ya mamlaka hizo na Tume iwe na jukumu la uratibu na kutoa miongozo, pale inapobidi kuhusu utekelezaji wa majukumu hayo katika ngazi ya Halmashauri, Mamlaka ya Ajira, nidhamu na uendeshaji ya Ofisi ya Ushirika yatabaki kuwa chini ya Halmashauri husika;

- (d) Kuhakikisha majukumu ya usimamizi na udhibiti kuanzia ngazi ya Serikali Kuu mpaka ngazi ya Serikali za Mitaa yanatekelezwa kwa usimamizi wa karibu sana na Ofisi ya Mrajisi;
- (e) Kubainisha muundo wa Tume ambao unawajumuisha Mwenyekiti, Wajumbe, Mrajisi wa Vyama vya Ushirika na Naibu Warajisi wawili, mmoja atakayeshughulikia masuala ya usimamizi (*regulatory functions*) na mwingine akishughulikia masuala ya uhamasishaji (*promotional functions*); na
- (f) Kubainisha vyanzo vya mapato ya kugharamia uendeshaji wa shughuli za Tume, ikiwa ni pamoja na bajeti ya Serikali na michango ya Vyama vya Ushirika vyenyewe. Sehemu kubwa ya fedha za matumizi ya Tume yatatokana na ruzuku ya Serikali. Aidha, Vyama vya Ushirika vitaendelea kuchangia kupitia Mfuko wa Ukaguzi na Usimamizi.

Mheshimiwa Naibu Spika, mpangilio wa Muswada. Muswada huu umegawanyika katika sehemu Kumi na Tano:-

Sehemu ya Kwanza, inaainisha vifungu vya utangulizi ambavyo vinajumuisha jina la Sheria na tafsiri ya maneno mbalimbali yaliyotumika ndani ya Muswada.

Sehemu ya Pili, inahusu madhumuni na kulindwa kwa Vyama vya Ushirika ambapo Misingi ya Kimataifa ya Ushirika na masuala ya wajibu wa Serikali na Waziri mwenye dhamana ya Maendeleo ya Ushirika yameelezwa.

Sehemu ya Tatu, inahusu uundwaji wa Tume ya Maendeleo ya Ushirika, Wajumbe wa Tume, kazi za Tume, uwezo wa kisheria wa Tume na uteuzi wa Mrajisi wa Vyama vya Ushirika na kazi zake.

Sehemu ya Nne, inaweka utaratibu wa kuanzisha Vyama vya Ushirika ambapo malengo na majukumu ya Vyama vya Ushirika vya Msingi, vya Kati na Shirikisho yameainishwa.

Sehemu ya Tano, inahusu kusajili Vyama vya Ushirika ambapo utaratibu wa kusajili na aina za Vyama vya Ushirika vitakavyosajiliwa umeelezwa. Aidha, sehemu hii inatambua kuwepo kwa Vikundi vya Ushirika (*pre-cooperative groups*) na kueleza utaratibu wa kuvifuta.

Sehemu ya Sita, inahusu haki na wajibu wa wanachama wa Vyama vya Ushirika ambapo masuala kama ya upigaji wa kura, haki ya wanachama wenye umri mdogo, kama vile wanafunzi shuleni, haki za mwanachama aliyefariki, uanachama wa kampuni na wajibu wa mwanachama aliyeacha au kuachishwa uanachama vimeelezwa.

Sehemu ya Saba, inahusu majukumu ya vyama vilivyosajiliwa na mamlaka ya Vyama ya kutunga na kufanya marekebisho ya masharti ya Vyama (*by-laws*). Aidha, taratibu za ukaguzi na usimamizi wa Vyama vya Ushirika na mamlaka ya Mrajisi ya kuzitaka benki kutoa taarifa zinazohusu shughuli za Vyama vya Ushirika yamefafanuliwa.

Sehemu ya Nane, inahusu mali na fedha za Vyama vya Ushirika ambapo masuala ya mapato ya Vyama vya Ushirika, usimamizi na uwekezaji wake, ukaguzi, ugawanaji wa faida na Vyama vya Ushirika kuchangia kwenye masuala ya kijamii yameelezwa.

Sehemu ya Tisa inahusu masuala ya usajili wa dhamana ambapo masuala ya uidhinishwaji wa cheti cha usajili wa karadha, haki ya Chama cha Ushirika kutunza nakala za nyaraka za dhamana, daftari la dhamana na haki ya mwanachama ya kukagua nyaraka za dhamana na daftari la dhamana imeelezwa.

Sehemu ya Kumi inahusu ukaguzi wa shughuli za Vyama vya Ushirika ambapo wajibu wa Mrajisi kukagua

shughuli za Vyama vya Ushirika, uteuzi wa Maafisa Ushirika kuwa Wakaguzi wa Vyama vya Ushirika (*Cooperative Inspectors*), gharama za ukaguzi na utaratibu wa tozo kwa viongozi na watendaji waliosababisha hasara kwa vyama umeainishwa, hapa adhabu kali ikiwemo faini, kifungu na hata kufilisiwa kwa watakaofanya ubadhirifu na wizi katika Vyama vya Ushirika zimetajwa.

Sehemu ya Kumi na Moja inahusu uunganishaji na ugawanyaji wa Vyama vya Ushirika ambapo masuala ya uunganishaji na utoaji wa notisi au amri ya kuunganisha au kugawanya vyama umeainishwa.

Sehemu ya Kumi na Mbili inahusu kuvunjwa kwa Vyama vya Ushirika ambapo masuala ya kuvunjwa kwa chama, kufutwa kwa usajili, rufaa dhidi ya kufutwa wa usajili, ufilisi na mamlaka ya mfilisi na wajibu wa Mahakama yameelezwa.

Sehemu ya Kumi na Tatu inahusu masuala ya fedha ambapo vyanzo vya fedha za Tume, bajeti ya mwaka ya Tume, utunzaji wa vitabu vya hesabu, ukaguzi na utoaji wa taarifa za Mkaguzi wa hesabu za Tume yameelezwa.

Sehemu ya Kumi na Nne inahusu makosa kwenye Vyama vya Ushirika ambapo vifungu vinavyohusu makosa yanayofanywa na chama, viongozi, Maofisa wa Vyama na adhabu kwa makosa hayo vimeainishwa;

Sehemu ya Kumi na Tano na ya mwisho, inahusu mambo mengineyo ambapo masuala ya uteuzi wa

waendesha mashtaka maalum wa kesi zinazohusu Vyama vya Ushirika na mamlaka ya Waziri mwenye dhamana kutunga Kanuni yameelezwa. Aidha, sehemu hii inafafanua kuhusu kufutwa kwa Sheria ya Vyama vya Ushirika Na. 20 ya mwaka 2003.

Mheshimiwa Naibu Spika, kwa maelezo hayo, sasa napenda kuwaomba Waheshimiwa Wabunge wenzangu, kuujadili Muswada huu, kuuboresha na kuupitisha. Ni imani yangu kwamba, Waheshimiwa Wabunge wataridhia Muswada huu na kufanya marekebisho yote yaliyopendekezwa kwenye Jedwali la Marekebisho ili hatimaye uwe Sheria.

Mheshimiwa Naibu Spika, naomba kutoa hoja.
(Makofi)

WAZIRI WA MAENDELEO YA JAMII, JINSIA NA WATOTO:
Mheshimiwa Naibu Spika, naafiki.

(Hoja ilitolewa iamuliwe)

NAIBU SPIKA: Ahsante sana Mheshimiwa Waziri, hoja imetolewa na imeungwa mkono. Tunakushukuru sana Mheshimiwa kwa kutoa hoja kwa umahiri mkubwa, kabla hatujaendelea, nimwombe radhi Mheshimiwa Suzan Kiwanga alisimama mapema lakini jicho langu halikuweza kumwona, naomba nimpe nafasi ili aweze kusema alichonacho Mheshimiwa Suzan.

MHE. SUZAN L.A. KIWANGA: Mheshimiwa Naibu Spika, kwa heshima na taadhima, nasimama kwa mujibu wa Kanuni namba 47 na 48 kama utaniruhusu naomba niisome, Kanuni ya 47(1) inasema kama ifuatavyo:-

“Baada ya muda wa maswali kwisha Mbunge yeyote anaweza kutoa hoja kuwa shughuli za Bunge kama zilivyooneshwa kwenye orodha ya shughuli ziahirishwe ili Bunge lijadili jambo halisi la dharura na muhimu kwa umma.”

Vile vile kipengele cha pili kinasema: “Hoja ya namna hiyo itakuwa ni maalum na inaweza kutolewa wakati wowote hata kama mjadala, majadiliano yanakuwa yanaendelea.”

Mheshimiwa Naibu Spika, hoja yangu naona ina mashiko sana, ukizingatia kifungu cha 48, hoja yenyewe ni kama ifutavyo:-

Kuwa katika siku za hivi karibuni tumesikia katika vyombo vya habari, lakini hata hivyo pamoja na vyombo vya habari nimepigwiwa simu nyingi sana na mpaka leo usiku nimeshindwa kulala kuwa, kuna tatizo kubwa limetokea ndani ya nchi kuhusu wafanyakazi/ watumishi karibu 1,500 wa Shirika la Reli la *TAZARA* wako katika mgomo.

Mheshimiwa Naibu Spika, kwa mtindo huo, mgomo huo umesababisha watumishi 1,500 na kuanguka kwa uchumi wa reli ya *TAZARA* na vile vile kuhatarisha maisha ya watumiaji wa usafiri wa reli ya *TAZARA*.

Mheshimiwa Naibu Spika, vile vile athari kubwa zinatokea katika familia za watumishi hawa 1,500 ukizidisha kila familia karibuni watu sita, ni watu 9,000 ndani ya nchi yetu ni nini hatima ya maisha yao ya kila siku, na akinamama ndiyo wanaathirika sana katika mgomo huo.

Mheshimiwa Naibu Spika, hoja yangu ina mashiko kama nilivyosema katika kifungu cha 48, naomba kutoa hoja na Bunge zima liniunge mkono ili Bunge liahirishe shughuli na tujadili hoja ya watumishi wa *TAZARA* na athari za uchumi zinazotokea ndani ya nchi yetu kwa kuwa Mikoa yote karibuni ya Nyanda za Juu Kusini inaathirika na vile vile Watalii kutoka nje wanaathirika na kuvuruga kabisa ratiba zao.

Mheshimiwa Naibu Spika, naomba kutoa hoja na naomba niungwe mkono.

NAIBU SPIKA: Waheshimiwa nimewaona na Mheshimiwa Susan nimekupata ulichokuwa unajaribu kukieleza, lakini kabla sijasema chochote, nimwombe Mheshimiwa Waziri wa Nchi, Ofisi ya Waziri Mkuu, Sera na Bunge atuongoze kidogo.

WAZIRI WA NCHI, OFISI YA WAZIRI MKUU (SERA, URATIBU NA BUNGE): Mheshimiwa Naibu Spika, ni kweli kwa kipindi kirefu kumekuwa na mgogoro huo anaousema Mheshimiwa Susan, lakini wote ni mashahidi, tumesoma na tumesikia. Jambo hili linashughulikiwa, mjue *TAZARA Management* yake na *Board* yake inahusisha nchi mbili; Zambia na

Tanzania uamuzi hauwezi kuwa uamuzi tu wa Serikali ya Tanzania bila kuhusisha Serikali ya Zambia.

Mheshimiwa Naibu Spika, kwa hiyo, Bodi imeshatoa *ruling* na *management* imeshatoa *ruling* na uamuzi wafanyakazi wote ambao walikuwa wamesimamishwa wakati huo wamesharudi kazini. Kwa hiyo, jambo hili, Serikali mbili zinaendelea kulishughulikia, kwa hiyo sioni sababu ya kuendelea kulizungumza kwa kuwa uamuzi umeshatolewa. Labda tuseme Waziri anayehusika aje aelezee huo uamuzi, lakini uamuzi umeshafikiwa tayari hakuna mgogoro.

MHE. TUNDU A.M. LISSU: Mheshimiwa Naibu Spika, hoja ya Mheshimiwa Susan Kiwanga imetolewa na imeungwa mkono, jambo pekee ambalo linahitaji kutolewa maamuzi ni kama je, hoja hii inakidhi matakwa ya 47 na Kanuni ya 48 ya Bunge lako Tukufu?

Hoja ya kwamba ooh! Serikali inalishughulikia, sisi siyo Serikali, sisi ni Bunge. Hoja ni kwamba, tatizo la *TAZARA* mgomo wa wafanyakazi wa *TAZARA* ujadiliwe na Bunge hili, mambo ya Serikali ije itueleze Bungeni kwenye mjadala ni kitu gani imekifanya na kwa nini kuna mgogoro.

Mheshimiwa Naibu Spika, suala ambalo tunaomba ulitolee uamuzi ni kuhusu kama hoja hii inakidhi masharti ya Kanuni za Bunge lako Tukufu, siyo hoja ya Mheshimiwa Waziri.

Mheshimiwa Naibu Spika, nashukuru sana.

NAIBU SPIKA: Mheshimiwa Kiwanga una nyongeza?

MHE. SUZAN L.A. KIWANGA: Mheshimiwa Naibu Spika, nakqambia usiku sijalala, ujue kuwa mimi natokea hiyo Kanda, kwamba wafanyakazi/watumishi wa TAZARA hawajui chochote kinachoendelea na bado wako nyumbani, familia zinateseka, miezi minne, hebu tujichukulie sisi Wabunge, tusingepata mishahara miezi minne hali ingekuwaje? Hili suala bado lina mashiko, wafanyakazi bado wako majumbani na kama wakilazimishwa kurudi kazini kutatokea anguko kubwa, watu wanaweza kuhujumu reli ya TAZARA.

Mheshimiwa Naibu Spika, tunajadili masuala ya Watanzania na mambo ya Wazambia tutawaachia Wazambia wenyewe, Wazambia waligoma siku 21 na wamepata stahili zao na mara nyingi maonevu yanakuja ndani ya Tanzania. Kwa hiyo, kuna umuhimu wa kujadili hoja hii ili kuokoa Shirika hili la Reli kwa upande wa Tanzania. Msimamo wangu unabaki palepale.

Mheshimiwa Naibu Spika, ahsante sana.

NAIBU SPIKA: Ahsante sana Mheshimiwa Susan Kiwanga, Mheshimiwa Waziri wa Nchi, Mheshimiwa Tundu Lissu ambao mmezungumzia jambo hili, niwaombe sana Waheshimiwa Wabunge kuwa nimelipokea jambo hili na wazo hili, lakini tujue kabisa kuwa ratiba ya Bunge kimsingi inapangwa na Kamati ya Uongozi na kwa vile jambo hili ni la Kikanuni basi nitawaomba Wajumbe wa Kamati ya

Kanuni kwa pamoja na Wajumbe wa Kamati ya Uongozi tukutane saa saba na nusu katika ukumbi wa Mheshimiwa Spika ili tuone namna gani ya kuenenda na jambo hili na baada ya kikao hicho cha pamoja, jioni tutawaeleza Waheshimiwa Wabunge jambo gani la kufanya baada ya majadiliano hayo.

Kwa hatua hiyo, naomba sasa nimwite Mwenyekiti wa Kamati ya Kilimo ambayo ilishughulikia Muswada wa Ushirika, anakuja Makamu wa Mwenyekiti, Mheshimiwa Said Nkumba.

MHE. SAID J. NKUMBA (K.n.y. MWENYEKITI WA KAMATI YA BUNGE YA KILIMO, MIFUNGO NA MAJI): Mheshimiwa Naibu Spika, kwa mujibu wa Kanuni ya 86 (5) ya Kanuni za Kudumu za Bunge Toleo la 2013, naomba kuwasilisha mbele ya Bunge lako Tukufu, maoni ya Kamati ya Kudumu ya Bunge ya Kilimo, Mifungo na Maji yanayohusu Muswada wa Sheria ya Vyama vya Ushirika wa mwaka 2013 (*The Cooperative Societies Act, 2013*).

Mheshimiwa Naibu Spika, maoni ya jumla tarehe 21, 22 na 23 Agosti, 2013, Kamati yangu ilipata fursa ya kuupitia Muswada huu na kutoa maoni yake ambayo yanalenga kuiboresha sheria itakayotungwa. Aidha, tarehe 19 na 20 Agosti, 2013, Kamati ilipata nafasi ya kukutana na wadau wa Muswada huu.

Mheshimiwa Naibu Spika, Kamati inatoa pongezi za dhati kwa Serikali kwa kuleta Muswada huu wa Sheria ya Vyama vya Ushirika ya mwaka 2013 (*The Cooperatives*

Societies Act, 2013) ili Bunge lako Tukufu liupitie na hatimaye kuwa sheria baada ya kupitia hatua zake zote.

Mheshimiwa Naibu Spika, Kamati baada ya kupitia sheria na sera zinazohusu ushirika nchini pia kupokea maoni mbalimbali, inaona umuhimu wa Muswada huu kutokana na mambo yafuatayo:-

- (a) Ushirika unagusa watu wengi pamoja na kupitia changamoto nyingi ambazo zimekuwa zikidhoofisha ustawi wa sekta hii;
- (b) Sekta hii ni muhimu sana na Serikali ilianza kutekeleza shughuli za ushirika mara baada ya uhuru kwa lengo la kuwasaidia wananchi walio wengi, kuongeza kipato na kuondoa umaskini;
- (c) Ushirika upo katika ngazi na sekta mbalimbali ukisimamiwa na Sheria namba 20 ya mwaka 2003 na kutekelezwa chini ya Programu ya Mageuzi na Modenaizesheni ya mwaka 2005;
- (d) Ushirika umewakatisha tamaa wananchi walio wengi kwa sababu ya ubadhirifu uliokithiri wa viongozi wa ushirika, mabenki yanayokopesha Vyama vya Ushirika na muundo wa ushirika ambao umewabebesha mzigo wanaushirika wa ngazi za chini. Kamati inaamini huu ni wakati muafaka wa kuipitisha sheria hii ili iwe mkombozi na kuimarisha ushirika ili kukomesha vitendo vya ubadhirifu;

- (e) Kamati inaamini kwamba kuletwa kwa sheria hii wakati huu ni muafaka ili kuondoa changamoto zilizopo na kurudisha imani kwa wananchi;
- (f) Vyama vya Ushirika hukaguliwa na Shirika la Ukaguzi na Usimamizi wa Vyama vya Ushirika (COASCO), na kwa kuwa shirika hili la ukaguzi limekuwa halifanyi kazi zake vizuri, Kamati inashauri Shirika hili liwekewe utaratibu mzuri (*Checks and Balances*) ambapo Mdhhibiti na Mkaguzi Mkuu wa Hesabu za Serikali (CAG) ahusishwe kikamilifu katika ukaguzi hasa kwenye ushirika ambako fedha za Serikali zimepelekwa; (*Makofi*)
- (g) Migogoro ya ushirika ni mingi na inachukua muda mrefu kumalizika Mahakamani, Kamati inashauri kuundwa kwa Mabaraza ya Usuluhishi na Maamuzi (*Cooperative Disputes Tribunal*) ambayo yatafanya kazi za usuluhishi zinazotokea kwenye ushirika na Mahakama ishughulikie makosa ya jinai tu;
- (h) Kuna ngazi nyingi katika ushirika ambazo zimekuwa mzigo kwa wanaushirika. Kamati inashauri kupunguzwa kwa ngazi hizo hususan kuondolewa kwa ngazi ya Chama Kilele (*Apex*) ambacho hakina manufaa kwa wanachama kwa kuwa hakizalishi na badala yake kinategemea kuendeshwa kwa mapato ya wanaushirika. Ikumbukwe kwamba Chama Kilele (*Apex*)

kimebaki katika zao la tumbaku tu na siyo kwenye mazao mengine kama vile pamba, kahawa, korosho na kadhalika; (*Makofi*)

- (i) Vyama vya Ushirika hususan vile vinavyomiliki taasisi na asasi za kifedha zinakabiliwa na changamoto nyingi ikiwemo ukosefu wa mitaji ya kutosha, kutoweza kujitangaza na kutangaza fursa zao kwa asasi nyingine na kutoweza kushindana na asasi nyingine za kibiashara katika soko huria, Kamati inashauri sheria hii itoe fursa kwa Vyama vya Ushirika kujiunga katika soko la mitaji;
- (j) Kwa kutumia fursa hii Vyama vya Ushirika vitaweza kukuza mitaji yake kirahisi kwa kujumuisha fedha zisizo za wanachama na hivyo kutoa huduma bora kwa wanachama wake, kuwa na vitendea kazi vya kisiasa na kuvutia ajira kwa watumishi wenye sifa na wanachama wapya;
- (k) Sheria ya mikataba inamkataza mtoto kuingia katika mkataba isipokuwa kwa mahitaji maalum na kwa kutambua hali halisi ya janga la UKIMWI, ambalo limepelekea watoto wengi kuwa wasimamizi wa familia, Kamati inashauri kipengele kinachohusu watoto kuwa wanaushirika kitekelezwe kwa uangalifu ili haki zao zisivunjwe,
- (l) Ili kuondoa mgongano wa kimaslahi kwa wanachama ambao ni wanasiasa kama vile viongozi wawakilishi wa wananchi (Madiwani na

Wabunge) na viongozi walioteuliwa na kuajiriwa (Wakuu wa Mkoa, Wilaya, Katibu Tarafa, Watendaji Kata na Vijiji) pamoja na ngazi ya Taifa; Kamati inashauri kuwa viongozi hao wasiruhusiwe kuchaguliwa kuwa viongozi wa ushirika ila waruhusiwe kuwa wanachama tu. Hii inatokana na viongozi wengi wa kisiasa kutumia nafasi zao za uongozi kuwa kinga wanapotuhumiwa kwa ubadhirifu kwenye Vyama hivyo vya Msingi; *(Makofi)*

- (m) Kutokana na muingiliano wa kiutendaji kati ya Bodi za mazao na Vyama vya Ushirika, Kamati inashauri Serikali ipitie upya sheria zinazounda Bodi za mazao ili kuweka wazi mipaka ya majukumu yao.
- (n) Ili kuhakikisha dhana ya uwajibikaji inazingatiwa na viongozi wa ushirika, Kamati inashauri muda wa viongozi wa Bodi uwe miaka mitatu na kiongozi aweze kuchaguliwa tena kwa kipindi kingine cha miaka mitatu tu endapo atachaguliwa tena;
- (o) Watuhumiwa wa ubadhirifu wa fedha za ushirika wafikishwapo Mahakamani, mashauri yao yamekuwa hayathibitiki huku taarifa ya Mkaguzi ikionesha upotevu wa fedha. Kamati inashauri uwekwe utaratibu wa kuwabana wahusika. Aidha, wale ambao makosa yao yamethibitika, adhabu kali itolewe na walazimishwe kufidia hasara iliyotokea pamoja na kufilisiwa mali zao ili iwe fundisho kwa wengine; *(Makofi)*

- (p) Vyama vya ushirika vinavyojihusisha na masuala ya fedha hukua na kusajiliwa na Benki Kuu chini ya Sheria ya Mabenki na Taasisi za Fedha na kuwa chini ya usimamizi wa Benki Kuu; Kamati inashauri, kwa upekee huu, ziundiwe kanuni tofauti na ushirika mwingine;
- (q) Kamati inazishauri Wizara za kisekta na Mamlaka za Serikali za Mitaa kushiriki kikamilifu katika kuunda ofisi za ushirika na kuziwezesha kutekeleza majukumu yake ipasavyo kwa kuzingatia miongozo ya Tume; na
- (r) Kwa kuwa lengo la ushirika ni kumkomboa mwananchi wa kipato cha chini, Kamati inaishauri Serikali iangalie upya kodi zinazotozwa katika Vyama vya Ushirika ili kupunguza mzigo kwa mwanaushirika, ikiwezekana kusamehewa kodi ya mapato ili kuvipa uwezo wa kujiendesha na kumkomboa mwanaushirika nchini.

Mheshimiwa Naibu Spika, uchambuzi wa vifungu vya Muswada; Kamati ilipitia Sehemu na Vifungu vya Muswada na kuishauri Serikali kurekebisha maneno, sentensi, kuondoa baadhi ya vifungu, kuweka vifungu vipya na kushauri jedwali la marekebisho liletwe mbele ya Bunge lako Tukufu. Baadhi ya maeneo yalioainishwa na Kamati ni kama yafuatayo:-

Mheshimiwa Naibu Spika, Sehemu ya Kwanza:-

- Kifungu cha (2) kwenye tafsiri, Kamati inashauri kuondolewa kwa tafsiri ya *agricultural produce* na badala yake iwekwe *agricultural inputs, means resources that are used in farm production, such as seeds, fertilizers, veterinary drugs, equipment, animal feed, energy and processing plants or machineries*;
- Kifungu cha (2) Kamati inashauri kufutwa kwa neno *Apex* na tafsiri yake;
- Kifungu cha (2) Kamati inashauri kufutwa kwa neno *agricultural* lililopo mstari wa tatu wa tafsiri ya *agricultural societies*;
- Kifungu cha (2), Kamati inashauri kufutwa kwa neno *groups* kwenye tafsiri ya *pre- cooperative groups* na badala yake neno *societies* litumike; na
- Kifungu cha (2) Kamati inashauri tafsiri ya maneno *microfinance companies* na mahali pengine popote linapojitokeza kwenye sheria hii lifutwe;

Mheshimiwa Naibu Spika, Sehemu ya Pili:-

- Kifungu cha 3(1), Kamati inashauri kufutwa kwa maneno *objectives of the cooperative societies* na badala yake maneno *objects of the cooperative societies* yatumike;

- Kifungu cha (4) kamati inashauri neno *duty* lililopo pembeni mwa Muswada (*marginal note*) lifutwe na badala yake neno *obligation* litumike;
- Kifungu chote cha (6) na kukifanya kifungu cha (7) kuwa kifungu cha (6);
- Kuongezea kifungu kidogo cha (3) na (4) mara baada ya Kifungu cha 7(2) na kusomeka:

(3) The commission shall be a body corporate with perpetual succession and a common seal and shall in its own cooperate name, be capable of:-

(a) Suing and be sued;

(b) (b) acquiring and disposing movable or immovable property;

(c) borrowing money and entering into contracts or other transactions; and

(d) (d) do all such other things for proper performance of its duties, and discharge its functions under this Act and any other subsidiary legislation made thereunder.

(4) Notwithstanding the preceding provisions of this section:-

- (a) the commission shall have a duty of notifying the Attorney General of any impending suit intention or intention to institute a suit or matter for or against the commission;*
 - (b) the Attorney General shall have the right to intervene in any suit or matter for or matter instituted by or against the commission; and*
 - (c) (5) where the Attorney General intervenes in any matter in pursuance of subsection (4) the provisions of the Government Proceedings Act, shall apply in relation to the Proceeding of that suit or matter as if it had been instituted by or against the Government.*
- Kifungu cha 8(1)(b)(vi), Kamati inashauri kufutwa kwa neno *from* lililopo kati ya maneno *nominated* na *amongst*;
 - *Kifungu cha 8*, Kamati inashauri kuongeza kifungu kipyua (6) mara baada ya kifungu kidogo cha (5) na kitasomeka: *"(6) in nominating members of the commission, a regard shall be made to gender, professionalism and competence in the cooperative development issues"*;
 - Kifungu cha (9), kufuta mkato, uliopo mara baada ya neno *formed* na kuuweka mara baada ya neno *provides*;

- Katika kifungu cha 10, Kamati inashauri neno *may* lililopo mara baada ya neno *commission* liondolewe na badala yake neno shall litumike;

- Kifungu cha 11, Kamati inashauri kuongeza kifungu kipya (2) mara baada ya kifungu kidogo (1) ambacho kitasomeka:

“(2)The Registrar shall be responsible for the growth and development of cooperative societies by providing such services as may be required by co-operatives societies for their organization, registration, operation, advancement and, dissolution and for administration of the provisions of this Act.”

Kifungu (2), Kamati inashauri kisomeke (3) na (4) kiwe (5);

- Kifungu cha 12, Kamati inashauri kuongezwa kifungu kidogo cha (1) ambacho kinaainisha sifa za Mrajisi Msaidizi kuwa:-

- (a) *Has held a senior position in the public service for at least five years;*
- (b) *Has proven knowledge and experience in matters relating to cooperatives; and*
- (c) *Is of high integrity and competent in good governance.*

- Kifungu kidogo cha (2) kibandilike na kuwa (3), pia namba (1) iliyo katika kifungu cha (2) ifutwe badala yake iwe kifungu kidogo cha (2);

- Katika kifungu cha 13, Kamati inashauri kifungu kidogo cha (1) kifutwe na badala yake maneno yafuatayo yatumike:-

"(1) There shall be such numbers of qualified cooperative officers appointed or employed by the commission as Assistant Registrars as may be necessary to assist the Registrar in the administration of the provision of this Act."

- Katika kifungu cha 14, Kamati inashauri kuongeza maneno yafuatayo mara baada ya *benefits* lililopo kwenye mstari wa tatu katika kifungu kidogo cha (2):
" as prescribed by the Commission from time to time."

- Katika kifungu cha 15, tunashauri kifungu kidogo cha (1) kifutwe na badala yake maneno: *"Every sectoral Ministry, Regional Secretariat and Local Government Authority shall facilitate the establishment of a Cooperative Development Office in their respective areas and shall ensure that such Offices is allocated with resources for the effective discharge of their functions under this Act"* yatumike;

Kamati inashauri kiongezwe kifungu kidogo mara baada ya kifungu kidogo cha (2) na kisomeke:-

“(3) The Cooperative Officers employed or appointed as such under sectoral Ministries, Regional, Secretariat or Local Government Authorities shall, when executing their functions specified under sections 9(2)(b) be deemed to be performing functions of the Commission”.

- Kifungu cha 16, Kamati inashauri kifungu hiki kifutwe na badala yake maneno yafuatayo yatumike:

“(1) For the purpose of the promotion of the cooperative societies, every sectoral Ministry and Local Government Authority shall formulate cooperative development plans in accordance with the guidelines issued by the Commission.”

“(2) In ensuring compliance of this Act, the Commission shall develop mechanism for monitoring the implementation of the cooperative development plans prepared in accordance with subsection (1).”

- Kifungu cha 21(1)(b), Kamati inashauri neno *fifty* lililopo mwanzoni mwa kifungu hicho lifutwe na badala yake neno *thirty* liwekwe;

- Katika kifungu 21(3), Kamati inashauri herufi ‘a’ iliyopo kati ya maneno ‘of’ na ‘*cooperative*’ yaliyopo mstari wa tatu yafutwe na badala yake maneno ‘*an agriculture*’ yatumike;

- Katika kifungu cha 22, Kamati inashauri vifungu vidogo vya(1) na (2) vifutwe na badala yake vifungu vifuatavyo vitumike:-

"(1) Subject to the provision of this Act, primary societies may form secondary societies and secondary societies may form a federation."

"(2) Where a primary societies is unable to join into a secondary society due to its nature and desire of its member, it may be allowed to become a member of the federation."

- Kifungu cha 23, Kamati inashauri kifutwe na badala yake kifungu kifuatacho kitumike

"23 Where the Registrar considers that a secondary society in relation to any area economically viable, he may advice any primary society or category of cooperative societies operating within that area to join the secondary society by notice in writing served on the society or category of cooperative societies as the case may be."

- Kifungu cha 25, Kamati inashauri maneno *and apex* yaliyopo pembezoni mwa kifungu hicho yafutwe. Aidha, kifungu kidogo cha pili kifutwe na hivyo kifungu cha 25 (1) kisomeke kifungu cha 25.

- Kifungu cha 26(2)(f), Kamati inashauri maneno ya kifungu hiki kifutwe na badala yake maneno yafuatayo yatumike:-

"(f) Represent its member societies in national and international fora."

- Kifungu cha 28(b), Kamati inashauri maneno ya kifungu hiki yafutwe na badala yake maneno yafuatayo yatumike:-

"(b) cooperative financial institutions."

- Kifungu cha 29, Kamati inashauri maneno *Promotion Officer* yafutwe yaliyopo kwenye mstari wa pili wa kifungu hicho badala yake maneno *Cooperative Officer* yatumike;

- Kifungu cha 30, Kamati inashauri kuongeza kifungu kidogo cha (6) mara baada ya kifungu cha (5) ambacho kitasomeka:-

"(6) notwithstanding the provisions of this Act, regulations and operation of the saving and credit cooperative societies shall be subject to the relevant financial laws" na kifungu kidogo cha (6) kitakuwa kifungu kidogo cha (7);

- Kifungu cha 31(2)(a), Kamati inashauri maneno yaliyopo katika kifungu hiki yafutwe na badala yake maneno yafuatayo yatumike:-

“(a) if the application is for the primary society, such number of person as qualified in accordance with the requirements of section 21” . Aidha, kifungu kidogo cha (2) (c) kifutwe na maneno and apex yaliyopo kwenye kifungu kidogo cha (2) (d) yafutwe;

- Kifungu cha 32 (1), Kamati inashauri maneno *within ninety days* yaliyopo kwenye mstari wa tatu yafutwe na badala yake maneno *within sixty days* yatumike;

- Kifungu cha 32 (5) (c), Kamati inashauri maneno yaliyopo kwenye kifungu hiki yafutwe badala yake maneno yafuatayo yatumike:-

“(c) There is no other society existing in the same area of operation performing similar activities for people of the same class or occupation, and registration of another society would serve no useful purpose.”

- Kifungu cha 33(1), Kamati inashauri maneno yaliyopo kwenye kifungu hicho yafutwe na badala yake maneno yafuatayo yatumike:-

“(1) The Registrar may, if he is satisfied that an application has failed to meet the prescribed requirements for registration, refuse to register such application.”

- Kifungu cha 38 (5), Kamati inashauri maneno ya kifungu hicho yafutwe na badala yake maneno yafuatayo yatumike:-

“(5) Where a Registrar has reasonable cause to believe that a probationary society has contravened the provision of subsection (4), he may upon giving notice to that effect, by order in writing, cancel the registration of such society and such cancellation shall be published in the gazette.”

- Kifungu cha 46(2)(a), Kamati inashauri maneno, *not less than five years* yaondolewe badala yake *‘not less than two years’* yatumike;

- Kifungu cha 46(2)(b), Kamati inashauri kuongeza kifungu kidogo cha (4) mara baada ya kifungu kidogo cha (3)(b) kitakachosomeka:-

“(4) Notwithstanding sub section (2) and (3), transfer of shares in cooperative Financial Institutions shall be in accordance with the relevant provisions of the Banking and Financial Institution Act and regulations made under this Act.”

- Katika kifungu cha 53(2)(j), Kamati inashauri maneno yaliyo katika kifungu hiki yafutwe na badala yake maneno yafuatayo yatumike:-

(j) Minimum qualifications, experience, the appointment, suspension and removal of members of

the Board and officers and the powers and duties of the Board and officers; and

Aidha katika kifungu kidogo (3)(c)maneno Microfinance Institutions and Financial cooperatives yafutwe na badala yake yawekwe maneno Cooperative Financial Institutions;

- Kifungu cha 56(8), Kamati inashauri kuongeza vifungu vifuatavyo mara baada ya kifungu hicho:-

“(9) No auditor shall present audited accounts to a cooperative society to members at general meeting unless the accounts have previously being submitted to the Registrar in such form as may be prescribed

“(10) The auditor shall submit the audited accounts to a general meeting within four months after the end of the accounting period and shall include his opinion as to whether or not the affairs of cooperative societies have been conducted:-

(a) In accordance with the provisions of this Act and,whether the books of accounts kept by the cooperative society are in agreement therewith and give atrue and fair view of the state of the affairs of the society; and

(b) in accordance with the objectives of cooperative society, by-laws and any other resolutions made by the society at a general meeting.

(11) The auditor appointed under this clause shall have the right to:-

(a) Attend a general meeting of the cooperative society and shall present matters of concern in respect of affairs of the cooperative society.

(b) Receive all notices and communications relating to a general meeting of which one of its business is to receive and consider annual financial accounts.

(c) Access, at all times, any accounting records, books or documents of the cooperative society as may be necessary for the purpose of carrying out his duties as an auditor and at the time of his audit:-

(i) Summon any officer, agent or member of the cooperative society for the purpose of obtaining information on the transactions of the cooperative society or management of its affairs.

(ii) Require the production of any book, document, cash or securities relating or belong to the cooperative society by any office, agent, trustee or member having custody of such book, document, cash or securities.

(iii) Demand such other information or explanation from any officer of the cooperative society as may be necessary for the performance of his duties as an auditor.

“(12) Notwithstanding the provisions of subsection (3) and (4), where the government by way of cash guarantee or any other form has advanced financial assistance to a cooperative society and if it is in the public interest to do so, the Minister may in consultation with the Commission, request the Controller and Auditor General to undertake auditing of such cooperative society.”

Hivyo basi, kifungu kidogo cha (9) kitakuwa kifungu cha (13)

- Kifungu cha 59 (2), Kamati inashauri kifungu kidogo cha (3) kiongezwe mara baada ya kifungu hicho na kosomeke:-

“(3) Any officer, agent, servant or member of a cooperative society who is required by the Registrar, or by a person of authorized in writing by him to do so shall, at such place and time as the Registrar may direct, produce all monies, securities books accounts and documents belong to or relating to the affair of such society which are in the custody of such officer, agent, servant or member.”

- Kifungu cha 68 (1), Kamati inashauri neno *president* lililopo kwenye mstari wa pili lifutwe na badala yake maneno *the Minister responsible for Finance* yatumike.

- Kifungu cha 69(2), Kamati inashauri vifungu vidogo vifuatavyo viongezwe na kusomeka:-

(3) The Minister may, in consultation with the commission, amend or vary the provisions of the third schedule.

(4) Any person who while holding a public office or political post shall not unreasonably interfere with the management of the affairs of the cooperative societies contrary to the provisions of this Act and by-laws of such society.

(5) No person who while holding a position in any party of public office shall serve in the management of the cooperative societies.

(6) Any person who is not a member of cooperative society, through his position and contrary to this Act, willful and unreasonably interferes with the management of the cooperative society and as a result thereof such society suffers loss or fails to properly perform its functions, shall be guilt of an offence and liable upon conviction to imprisonment for a term of not less than two years but not exceeding five years and the court may order such person to compensate any loss or damages occasioned to the society."

- Kifungu cha 104(2), Kamati inashauri kuongeza kifungu kidogo cha (3) ambacho kitasomeka:-

“(3) The registrar shall fix time limit within which the liquidator shall complete the liquidation.”

- Kifungu cha 114(1), Kamati inashauri maneno yaliyopo kwenye kifungu hicho yafutwe na badala yake maneno yafuatayo yatumike:-

“(a) All wages or salary of services rendered to the society during four months next before the relevant date and all wages of any workman or labourer in respect of service so rendered”;

“(b) All amounts due in respect of any compensation under any law for the time being enforce in Tanzania relating to compensation of workman, being amounts which have accrued before the relevant date, unless the society has, immediately prior to the relevant date, under any contract with insurers, rights capable of being transferred to and vested to the workman”;

“(c) All government taxes and local rates due from the society at the relevant date and having become due and payable within twelve months next before that date not exceeding in the whole one year’s assessment”; and

“(d) All government rents and not than one year in arrears.”

Mheshimiwa Naibu Spika, Jedwali la Kwanza:-

- Ibara ya 1(1), Kamati inashauri maneno ya ibara hiyo yafutwe na badala yake maneno yafuatayo yatumike:-

" 1(1) the commission shall ordinarily meet for the transaction of business at least three times in a year and at any additional times as extraordinary meetings as may be fixed by the chairman or in his absence by the vice chairman."

- Ibara ya (5), Kamati inashauri kufutwa kwa ibara hii na badala yake ibara mpya isomeke;

"5(1) A cooperative leadership shall be of high integrity in the any cooperative member aspiring to become a member of the board or any person applying for a post in the executive staff shall have to prove to the satisfaction of the election supervising officer and the members that:-

(a) He has good education sufficient to enable him to handle the relevant responsibilities;

(b) He has ability to manage the affairs of the society;

(c) He has proven records of honesty of highest level;

*(d) He is participating fully in the affairs of the society;
and*

(e) He has never been disqualified from cooperative leadership.

(2) Notwithstanding sub-paragraph (1) (a), members elected in the board of a cooperative bank shall have at least a first degree and four years experience in related field.

(3) In the event members aspiring to be elected to the board of a cooperative bank do not meet qualifications provided under sub-paragraph (2), the Registrar in consultation with the cooperative bank and the Bank shall make appointment of board members from cooperative system to manage the affairs of the bank.

- Ibara 11(1), Kamati inashauri kuongeza ibara ndogo ya pili mara baada ya ibara hii itakayosomeka-

“(2) a member of a registered society who holds an appointed or elected political office shall be deemed to have conflict of interest and shall not be eligible for being elected as a member of the board”.

Kwa madhumuni ya kifungu hicho hapo juu “appointed or elected political post’ means a position of Village Executive Officer, Ward Executive Officer, District Commissioner, a Member of the Parliament, Counselors and any other person serving as a Leader in a Political Party”

- Ibara ya 16 (3) Kamati inashauri maneno yaliyo katika ibara hii yafutwe na badala yake maneno yafuatayo yatumike:-

“(3) In addition to an interview, officers seeking for appointments in executive staff shall be vetted through the Registrar.”

Mheshimiwa Naibu Spika, marekebisho mengine ni kama yatakavyoletwa na Mheshimiwa Waziri wa Kilimo, Chakula na Ushirika katika Jedwali la Marekebisho.

Mheshimiwa Naibu Spika, ni matumaini ya Kamati kuwa, baada ya Muswada huu kuwa Sheria, Serikali itaweka utaratibu mzuri kwenye Kanuni.

Mheshimiwa Naibu Spika, Kamati inaamini kuwa, kwa kuwa Muswada huu umebeba maoni mengi ya wadau, utakapopitishwa kuwa Sheria kamili, mabadiliko ya kweli yataonekana katika Sekta ya Ushirika sambamba na kuwaondolea mzigo wa ngazi za ushirika zisizo na faida kwa wanachama na kudhibiti vitendo vya ubadhirifu kwa kutoa adhabu kali kwa wahusika.

Mheshimiwa Naibu Spika, naomba sasa nitumie nafasi hii, kumshukuru Waziri wa Kilimo, Chakula na Ushirika Mheshimiwa *Engineer* Christopher Chiza; Naibu Waziri, Mheshimiwa Adam K. Malima; Katibu Mkuu, Ndugu Sophia E. Kaduma na Naibu Katibu Mkuu *Engineer* Mbogo Futakamba, wataalam wote wa Wizara pamoja na wataalam wengine kwa ushirikiano wao wakati wa kujadili

Muswada huu. Aidha, niwashukuru wadau wote walioshiriki kutoa maoni yaliyosaidia kuboresha Muswada huu.

Mheshimiwa Naibu Spika, kwa namna ya pekee, napenda kuwashukuru Wajumbe wote wa Kamati ya Kudumu ya Bunge ya Kilimo, Mifugo na Maji, kwa kutoa maoni yao katika kuboresha Muswada huu. Naomba kuwatambua Wajumbe wa Kamati waliochambua Muswada kama ifuatavyo:-

Mheshimiwa. Profesa Peter Mahamudu Msolla, Mwenyekiti; Mheshimiwa Said Juma Nkumba, Makamu Mwenyekiti; Mheshimiwa Profesa David Homeli Mwakyusa, Mjumbe; Mheshimiwa Asaa Othman Hamad, Mjumbe; Mheshimiwa Abdalla Haji Ali, Mjumbe; Mheshimiwa Namelok Edward, Mjumbe; Mheshimiwa Dkt. Christine Gabriel Ishengoma, Mjumbe; Mheshimiwa Moshi Selemani Kakoso, Mjumbe; Mheshimiwa Magdalena H. Sakaya, Mjumbe; Mheshimiwa Abdulsalaam Seleman Amer, Mjumbe; Mheshimiwa Amina Nassoro Makilagi, Mjumbe; Mheshimiwa Jitu Vrajlal Soni, Mjumbe; Mheshimiwa Dkt. Lucy Sawere Nkya, Mjumbe; Mheshimiwa Haji Juma Sereweji, Mjumbe na Mheshimiwa Lolesia Masele Bukwimba. *(Makofi)*

Wengine ni Mheshimiwa Mchungaji Peter Simon Msigwa, Mheshimiwa Slyvestry Francis Koka, Mheshimiwa Kheri Khatib Ameir, Mheshimiwa Meshack Opolukwa, Mheshimiwa Philemon Ndesamburo, Mheshimiwa Sadifa Juma Khamis, Mheshimiwa Subira Mgalu, Mheshimiwa

Donald Max na mimi Mheshimiwa Said Juma Nkumba, Makamu Mwenyekiti wa Kamati. *(Makofi)*

Mheshimiwa Naibu Spika, naomba nimalizie kwa kutoa shukrani kwa Katibu wa Bunge Dkt. Thomas Kashililah, pamoja na watendaji wote wa Ofisi ya Bunge kwa kuiwezesha Kamati yangu kutekeleza majukumu yake. Kipekee nawashukuru Makatibu wa Kamati Ndugu Elieka Saanya, Ndugu Angelina Sanga, Mwanasheria Ndugu Maria Mdulugu pamoja na Ndugu Sophia Vumbi Msaidizi wa Kamati kwa kuihudumia Kamati na kuhakikisha taarifa hii inakamailika kwa wakati.

Mheshimiwa Naibu Spika, naunga mkono Muswada na ninaomba kuwasilisha. *(Makofi)*

NAIBU SPIKA: Ahsante sana Mheshimiwa Juma Nkumba kwa niaba ya Kamati, tunakushukuru sana kwa mawasilisho yako. Sasa naomba nimwite Msemaji wa Upinzani kuhusu Wizara hii ya Kilimo, Chakula na Ushirika, Mheshimiwa Rose Kamili Slaa. *(Kicheko/Makofi)*

MHE. ROSE S. KAMILI-MSEMAJI MKUU WA KAMBI RASMI YA UPINZANI WIZARA YA KILIMO, CHAKULA NA USHIRIKA: Mheshimiwa Naibu Spika, ahsante sana. Naomba nisome maoni ya Kambi Rasmi ya Upinzani Bungeni, kuhusu Muswada wa Sheria ya Vyama vya Ushirika ya mwaka 2013 *(The Cooperative Societies Act, 2013)* kwa mujibu wa Kanuni ya 86(6) ya Kanuni za Kudumu za Bunge, 2013.

Mheshimiwa Naibu Spika, Muswada huu wa Sheria unakusudia kufuta Sheria ya Vyama vya Ushirika, Sura ya 211 na kuitunga upya ili kuwezesha kuundwa kwa Tume ya Maendeleo ya Ushirika Tanzania ambayo itashughulika na uhamasishaji, uendelezaji na udhibiti wa Vyama vya ushirika. Tume inayokusudiwa kuundwa itakuwa ni Idara inayojitegemea ndani ya Wizara yenye dhamana ya maendeleo ya ushirika.

Mheshimiwa Naibu Spika, dira ya sera ya ushirika ya Tanzania ni, “Kuunda Vyama vya Ushirika imara na endelevu vyenye uwezo wa kukidhi mahitaji ya wanachama ya kiuchumi na kijamii”. Sera inatambua misingi ya ushirika ya kimataifa ambayo ni uanachama wa hiari, demokrasia, kujitegemea kiuchumi, uhuru wa maamuzi, elimu na mafunzo, mshikamano na kujali jamii. Aidha, jukumu kuu la sera hiyo, ni kusimamia vyama vya ushirika na msingi ili vifanye shughuli zao kama vyombo huru vya kiuchumi vyenye kujali maslahi ya wanachama wao.

Mheshimiwa Naibu Spika, historia ya Vyama vya Ushirika Tanzania inaanzia mwaka 1925 wakati chama cha kwanza cha *Kilimanjaro Native Planters Association (KNPA)* kilipoanzishwa huko Kilimanjaro. *KNPA* kilianzishwa na wakulima wadogo wa zao la kahawa. *KNPA* kilizingatia misingi muhimu ya ushirika ambayo ni uongozi wa kidemokrasia na uanachama ulio wazi na wa hiari.

Mheshimiwa Naibu Spika, mwaka 1932 *KNPA* ilibadilishwa na kuwa *Kilimanjaro Native Cooperative Union Limited (KNCU)*. Hadi mwaka 1960, *KNCU* ilikuwa na vyama

vya msingi 62, vikiwemo 55 vya kahawa na saba vya pamba. Mwaka 1960, Vyama vya Ushirika vya Pamba vilianzisha Chama Kikuu cha *Tambarare Co-operative Union Limited*. *KNCU* ilijihusisha na mambo ya jamii na kwa muda mfupi iliweza kujenga shule na vyuo mbalimbali, maktaba, vituo vya afya na hoteli. *KNCU* ilikuwa Chama Kikuu cha Ushirika cha mfano kilichochochea uanzishaji wa vyama vya ushirika maeneo mengine Tanganyika.

Mheshimiwa Naibu Spika, sababu ya kutoa historia hiyo ni kutaka kuonyesha kuwa wanachama wenyewe wana uwezo wa kuamua na kuendesha shughuli zao ikiwa Serikali itakuwa na mtazamo wa "*eyes on and hands off*", kwa tafsiri rahisi ni kushauri tu bila kujiingiza kiutendaji. Ushirika hauwezi kuwa na nguvu kwa kutunga sheria zenye nia ya kudhibiti. Katika kufanya hivyo ndipo ukiritimba unapozaliwa na kuvuruga kabisa uendeshaji au uongozi wa kidemokrasia wa vyama vya ushirika.

Mheshimiwa Naibu Spika, ipo mifano mingi inayoonyesha kuwa ushirika wa sasa haupo kwa maslahi ya wanachama. Lfuatayo ni mifano michache tu:-

- (i) Wanachama wanapotaka kuwawajibisha viongozi wanapata vikwazo toka ngazi za juu za ushirika;
- (ii) Wanaushirika wanapona wanaibiwa, Wakaguzi wa ushirika wanaukingia kifua uongozi; na
- (iii) Viongozi wanapofilisi ushirika kwa ubadhirifu wa makusudi, hawapeleki Mahakamani na Serikali

inachukua jukumu la kufidia hasara iliyosababishwa na watendaji wa ushirika. Mambo kama haya yanapelekea wanaushirika kuvunjika moyo kabisa na kuona ushirika sio mali yaoni mali ya Serikali.

Mheshimiwa Naibu Spika, naomba nikubaliane na maoni yaliyotolewa na ANSAF ambayo ni taasisi mwavuli kwa mashirika yasiyokuwa ya Serikali yanayojihusisha na kilimo kuwa jinsi Muswada huu ulivyoandikwa unatoa taswira kwamba ushirika ni taasisi ya Serikali, jambo ambalo ni kinyume na misingi ya ushirika na linaondoa mamlaka kwa wanachama au wanaushirika. Serikali haiwezi kuwa Mtendaji Mkuu kwenye ushirika kwa maana kwamba utendaji wa ushirika hauna tofauti na sekta binafsi. Ushirika ubaki kuwa ni muungano wa hiari na wenye mamlaka ya kujiongoza wenyewe bila kuingiliwa na wanasiasa wala Serikali. *(Makofi)*

Mheshimiwa Naibu Spika, kwa dhana hiyo ya ushirika, kuna haja ya kuhakikisha kuwa watendaji wa ushirika, wajumbe wa bodi katika ngazi zote wawajibike kwa wanachama badala ya kuwajibika kwa uongozi wa juu wa nchi kama vile Waziri au Rais. Hii ni muhimu ili kuhakikisha kuwa ngazi ya uwajibikaji inabaki kuwa moja na yenye nguvu na kwa kuwa nguvu ya ushirika iko kwa wanachama, hivyo basi ni vyema wakawa na sauti juu ya mtumishi anayewahudumia kwa maana wao ndio wanahisa, badala ya kusubiri kuwajibishwa na viongozi wa Serikali. *(Makofi)*

Mheshimiwa Naibu Spika, kwa mujibu wa mahojiano ya *New River Media* na Paul Sozigwa ambaye alikuwa ni Mkurugenzi wa Mawasiliano wa Ikulu wakati wa utawala wa Awamu ya Kwanza chini ya Mwalimu Nyerere, baada ya kumalizika kwa utawala wa mwasisi wa nchi yetu, Mwalimu Julius Nyerere alisema kuwa moja ya vitu vilivyomsikitisha na kumsononesha Mwalimu ni kushuka kwa utendaji wa vyama vya ushirika ambako kulitokana na kuingiliwa moja kwa moja kutoka Serikali Kuu kwa hofu ya vyama hivyo kuwa vya siasa jambo lililotoa nafasi kwa ubadhirifu kwenye vyama hivyo.

Mheshimiwa Naibu Spika, ukweli huo wa Serikali kuingilia uendeshaji wa vyama vya ushirika, unathibitishwa na andiko la Prof. Samuel Stephen Mushi (mwanazuoni mahiri aliyebobea katika sayansi ya siasa; hivi sasa ni marehemu), linaloitwa "*A Conceptual Framework to Guide Research on Empowerment*" alilolitoa tarehe 13 Oktoba, 2010 akiwa *REDET* linasema kuwa, katika kipindi cha miaka ya 1960s-1980s, Serikali iliweka nguvu na mkazo kuhakikisha inajipenyeza katika jamii za vijijini ili kuwashika na kuwadhibiti wakulima ambao walidhaniwa kuwa kikwazo kwa maendeleo ya jamii inayoelekea kwenye ustaarabu au inayoelimika. Andiko hilo linazidi kueleza kwamba, kujipenyeza huko kwa Serikali kulikuwa na lengo la kudhibiti zaidi kuliko kuwezesha jamii hizo za vijijini. Sambamba na hilo ni kwamba hadi miaka ya 1970 mwishoni wakulima wa Tanzania walikuwa bado wana nguvu hadi pale jumuiya zao au ushirika zilipoingiliwa na kudhibitiwa na Serikali, hivyo kupoteza nguvu na mwelekeo na mwishowe mwaka 1976 vyama vya ushirika vikavunjwa kabisa.

Mheshimiwa Naibu Spika, kati ya mwaka 1977 na 1982, mamlaka za mazao zilichukua nafasi ya ushirika ambapo mamlaka hizo zilitakiwa kununua mazao kutoka kwa wakulima moja kwa moja na kutafuta soko kwa mazao hayo. Mwanzoni mwa miaka ya 1980 Serikali iligundua kuwa maamuzi yake ya kufuta ushirika hayakuwa sahihi kwani Mamlaka za Mazao zilishindwa kutekeleza yale yaliyokuwa yanafanywa na vyama vya ushirika na hivyo mwaka 1984 vilifufuliwa bali hadi sasa havina nguvu kutokana na majeraha yaliyopatikana miaka hiyo ya sabini. Ufufuo huo wa vyama vya ushirika ulienda sambamba na kuanzishwa kwa Bodi za Mazao zilizochukua kazi za Mamlaka za Mazao.

Mheshimiwa Naibu Spika, katika kutafakari majukumu ya Tume inayopendekezwa katika Muswada huu, jambo la kujiuliza ni je baadhi ya majukumu hayo hayagongani na baadhi ya majukumu ya bodi za mazao? Katika Muswada huu jukumu mojawapo la Tume ni kuendeleza vyama vya ushirika, jambo ambalo haliwezi kufanyika bila kuendeleza mazao lakini Bodi za Mazao pia lengo lake kuu ni kuhakikisha uendelezaji wa mazao na upatikanaji wa wakulima na Taifa kwa ujumla. Je, hapa hakuna mgongano wa majukumu?

Mheshimiwa Naibu Spika, naomba kunukuu maana rahisi ya ushirika kama ilivyotolewa katika jarida la *“Cooperative for Development”* kwenye andiko la *“Cooperative and Poverty Reduction”* kama ilivyoandikwa na *Johnston Birchall and Richard Simmons*. Waandishi hawa

wanasema *Co-operatives are member-owned businesses*. Kwa tafsiri rahisi ni kuwa ushirika ni biashara inayomilikiwa na wanachama.

Mheshimiwa Naibu Spika, kwa maneno mengine ushirika hauna tofauti na biashara yoyote binafsi kiuendeshaji, isipokuwa umiliki na kama ndiyo hivyo ni wapi Serikali na vyombo vyake vinachukua jukumu la kudhibiti biashara binafsi. Kufanya hivyo ni kuondoa dhana ya umiliki na utoaji wa maamuzi kwa njia ya kidemokrasia kwa wanachama. Kwa tafakuri ya kina ya Muswada huu vifungu kadhaa bado vinaonyesha dhana ya udhibiti jambo ambalo ni hatari kwa maendeleo ya ushirika.

Mheshimiwa Naibu Spika, matatizo tuliyoyazungumzia hapa yameshajadiliwa katika Kitabu cha "Ushirika Tanzania" kilichotungwa na Pius Ngeze ambaye alikuwa ni Mwenyekiti wa CCM Mkoa wa Kagera na ni Mwenyekiti wa Bodi ya Kahawa Tanzania. Kwa maelezo ya mwandishi ni kwamba matatizo yaliyovikumba vyama vya ushirika kabla ya mwaka 1966 na kusababishwa kuundiwa Kamati Maalumu ya Rais ya Uchunguzi Juu ya Vyama vya Ushirika na Bodi za Mazao yaliendelea kuvikumba na mengine kuongezeka. Taarifa ya Kamati hiyo iligundua kuwa matatizo ya vyama vya ushirika yalitokana na mambo matano yafuatayo:-

- (a) Wanachama kutoelewa kazi za vyama vyao;
- (b) Upungufu wa watumishi wenye ujuzi wa kazi;

- (c) Ukosefu wa demokrasia katika vyama;
- (d) Ukosefu wa watumishi wenye ujuzi maalumu kwa kazi fulani; na
- (e) Uingiliaji wa siasa katika vyama vya ushirika. Pamoja na matatizo haya kujulikana, vyama vya ushirika viliendelea na matatizo hadi vikafutwa mwaka 1976.

Mheshimiwa Naibu Spika, aidha, mwandishi anapendekeza kwamba Vyama vya Ushirika Vikuu vya kuuza mazao ya kilimo vife na Vyama vya Msingi vya Ushirika vya kuuza mazao ya kilimo visife.

Mheshimiwa Naibu Spika, maelezo hayo yote hapo juu yanaonyesha kuwa chanzo cha kuporomoka kiutendaji kwa ushirika wa Tanzania, ni kuingiliwa na Serikali, uelewa mdogo katika uendeshaji wa ushirika, nafasi ya wanaushirika katika kutimiza majukumu yao kama wanaushirika. Mambo hayo yataendelea hata baada ya uwepo wa sheria hii kwani Muswada wa sheria ambao umeletwa na Serikali katika madhumuni na sababu kuna maneno “udhibiti wa vyama vya ushirika” na kwa kiasi kikubwa Mrajisi ndiye anapewa mamlaka kubwa kuliko hata wanaushirika wenyewe. Hii ni hatari kubwa kwa ushirika. (*Makofi*)

Mheshimiwa Naibu Spika, kama tulivyoonesha hapo juu kuwa msingi mkuu wa ushirika duniani ni Uanachama wa hiari na demokrasia, sasa ni kwa vipi watu wanaoungana

kwa hiari yao ukawatengenezea sheria na kanuni za kuwadhibiti bila ya wao kwa ridhaa yao kutengeneza sheria na kanuni na taratibu za kujiendesha? *(Makofi)*

Mheshimiwa Naibu Spika, vyama vya ushirika vinaweza kuwa na tija pale tu wanachama katika ngazi za msingi watakapopatiwa elimu na kuwa na uelewa mzuri kuhusu ushirika wao na ushiriki wao kama wanachama. Kwa mfumo ulivyo sasa, tija au maendeleo kwenye ushirika ni kuwa na vyama vingi vya ushirika ambavyo havina tija kwa wanachama kutokana na uanzishwaji wake kutokuwa na uelewa na maelewano ya wanachama juu ya nini lengo la ushirika huo, badala yake uanzishwaji unapata msukumo toka Serikalini ili kukidhi malengo ya watendaji.

Mheshimiwa Naibu Spika, Kambi Rasmi ya Upinzani inasema ili ushirika kuwa na tija, suala si kubadilisha vyombo vya usimamizi kutoka kwenye Wizara, Idara na sasa kuwa Tume bali ni kuondoa makandokando yote ambayo yameainishwa katika Programu Kabambe ya Usasaishaji *(Modernization)* wa Ushirika *(CRMP)* ya miaka mitano (2005-2015) iliyotolewa Aprili, 2005. Andiko hilo lilifuatia Taarifa ya Kamati ya Rais iliyoundwa mwaka 2000 kwa lengo la kufufua na kuendeleza ushirika *(The Report of the Presidential Committee of 2000 on the Revival, Strengthening and Development of Cooperatives)*.

Mheshimiwa Naibu Spika, mambo ya msingi yaliyoonekana kuwa ni vikwazo vikubwa katika maendeleo ya ushirika ni pamoja na ukosefu wa elimu na mafunzo ya ushirika kwa wanachama na viongozi, jambo linalopelekea

wanachama kutokujihusisha kabisa na maendeleo ya ushirika wao; wizi na utawala mbovu wa vyama vya ushirika vinavyopelekea mfumo wa rushwa usiokwisha katika ngazi zote za ushirika.

Mheshimiwa Naibu Spika, wadau wengi wa ushirika hasa vyama vya msingi ambao tumekutana nao, kwa kauli moja wamesisitiza kuwa, kwa kuwa tunaunda upya mfumo wa uendeshaji ushirika ni lazima kuua vyama vya vikuu "*Union*" na vyama kilele "*Apex*" kwani hapo ndipo rushwa na ubadhirifu unapojificha na maoni yao yanaungana na yale yaliyotolewa katika kitabu cha 'Ushirika wa Tanzania' kilichotungwa na Mheshimiwa Mwenyekiti Mstaafu wa CCM, Mkoa wa Kagera na Mwenyekiti wa Bodi ya Kahawa Tanzania Pius Ngeze.

Mheshimiwa Naibu Spika, muundo wa ushirika ulivyo sasa unaanza na na vyama vya msingi kisha vyama hivyo huungana na kuunda vyama vikuu (*secondary cooperatives or unions*), kisha vyama kilele (*Appex*) na mwisho ni shirikisho (*federation*). Sasa uendeshwaji wa vyama vikuu na vyama kilele unategemea michango na makato kutoka vyama vya msingi, hivyo gharama za uendeshaji huo zinatoka kwenye makato ya mauzo ya mazao ya mwanaushirika wa vyama vya msingi. Huu ni mzigo unaomzidishia umaskini mwanachama huyo na hiyo ndiyo sababu kubwa ya kilio chao cha kutaka ngazi hizo za ushirika zifutwe.

Mheshimiwa Naibu Spika, Kambi Rasmi ya Upinzani ingependa Serikali iwaaminishe Watanzania ni kwa jinsi gani

Tume inayotarajiwa kuanzishwa inatamaliza matatizo hayo ya msingi kwa upande wa ushirika.

Mheshimiwa Naibu Spika, uchambuzi wa Muswada. Baada ya kutoa maoni hayo ya jumla kuhusiana na ushirika na udhaifu uliopelekea na unaendelea kudidimia kwa ushirika, ninatoa baadhi ya upungufu tulioona katika Muswada huu wa Ushirika.

Mheshimiwa Naibu Spika, Kifungu cha 2 kama kilivyorekebisha na Serikali, kinafuta tafsiri ya neno “*Apex*” lakini kifungu cha 20(2) kwenye mstari wa mwisho neno *apexes* linajitokeza. Hivyo basi, Kambi Rasmi ya Upinzani inashauri neno hilo lifutwe.

Mheshimiwa Naibu Spika, kifungu cha 9(2)(a)(ii) kinachosema kuwa ni “kukagua na kusimamia vyama vya ushirika”. Aidha, mwaka 1982, Serikali ilianzisha Shirika la Umma linaloitwa Shirika la Ukaguzi na Usimamizi wa Vyama vya Ushirika (*COASCO*) na moja ya majukumu yake kama yalivyoainishwa katika kifungu cha 4(1) cha sheria hiyo, ni kutoa huduma ya ukaguzi na usimamizi kwa vyama vya ushirika katika Tanzania. Kambi Rasmi ya Upinzani inaitaka Serikali iwaeleze Watanzania ni kwa vipi hizi taasisi mbili ambazo zipo kisheria zinatekeleza majukumu yanayofanana. Je, huku si kutumia vibaya fedha za walipa kodi? Mbali na hilo kutokana na matatizo mengine ya kimsingi ni vyema Ofisi ya *CAG* kwa kadri itakavyoona inafaa ikahusika katika ukaguzi wa vyama vya ushirika.

Mheshimiwa Naibu Spika, ni ukweli kwamba kwa Tanzania unaposema ushirika, tafsiri maarufu ni kuwa unaenda sambamba na uzalishaji wa mazao ya kilimo, ufugaji au usindikaji wa mazao ya kilimo au bidhaa za mifugo. Kwa sekta nilizotaja za uzalishaji kwa bahati nzuri ni kwamba takriban mazao makubwa ya kibiashara na ya chakula yameundiwa Bodi zake za Mazao. Kazi kubwa za Bodi hizo ni kuhakikisha maendeleo chanya kwa sekta husika. Kifungu cha 9(2)(b) cha Muswada kinaelezea majukumu ya Tume inayoundwa kwa madhumuni ya kuhamasisha maendeleo ya sekta ya ushirika. Je, majukumu hayo yanaoanishwa vipi na majukumu ya Bodi za sekta husika? Kambi Rasmi ya Upinzani inaona kifungu hiki kingeleta maana zaidi kama sheria za uanzishwaji wa Bodi za Mazao na Bodi zingine kama za nyama na maziwa zingefutwa au kufanyiwa rejea. Hii itaondoa mchanganyiko wa majukumu baina ya vyombo hivyo viwili.

Mheshimiwa Naibu Spika, kifungu cha 11(1) kinasema kuwa Mrajisi wa Ushirika atateuliwa na Rais. Kwa tafsiri pana ni kwamba Mrajisi ndiye Mtendaji Mkuu wa ushirika nchini. Tukumbuke kuwa ushirika ni biashara binafsi inayomilikiwa na wanachama. Hivyo kitendo cha Mtendaji Mkuu wa ushirika kuteuliwa na Rais maana yake ni kwamba ushirika ni sawa na kuwa mali ya Serikali na si mali ya wanachama. Kambi Rasmi ya Upinzani inasisitiza kwamba jukumu la kumtafuta na kumpata Mtendaji Mkuu wa Ushirika linatakiwa liwe ni jukumu la wanaushirika wenyewe. Kwa jinsi hiyo wanaushirika wataona kuwa mtendaji huyo atakuwa anawajibika kwa wanaushirika wenyewe badala ya sasa

kuwa anawajibika kwenye mamlaka ya uteuzi ambayo ni Ikulu au Rais.

Mheshimiwa Naibu Spika, kifungu cha 12(1) uteuzi wa Naibu Mrajisi naye atateuliwa na Ikulu au Rais, kwa hoja ileile ya kuwa huyu mtendaji atawajibika kwenye mamlaka ya uteuzi wake na hivyo utendaji kazi wake utakuwa si kwa wanaushirika bali kuifanya mamlaka ya uteuzi wake iwe na furaha. Vivyohivyo ni kwamba wanaushirika wataendelea kuona kuwa ushirika ni mali ya Serikali na si mali yao. Kambi Rasmi ya Upinzani inapendekeza tena kwa kuwa Serikali imeona kuna umuhimu wa kujenga ushirika ni bora basi wasimamizi wa ushirika wateuliwe na wanaushirika na hivyo watawajibika kwa wanaushirika wenyewe.

Mheshimiwa Naibu Spika, kifungu cha 22 kama kilivyorekebisha katika Jedwali la Serikali, kimetoa mwanya kwa vyama vya msingi kujiunga kwa hiari na kuunda vyama vikuu. Kambi Rasmi ina wasiwasi kuwa uhiari huo unaweza kuwa ni lazima kwani mfumo uliopo wa vyama vikuu umekwishakomaa zaidi. Hivyo tunashauri kifungu hicho kifutwe ili kazi iwe ni kuimarisha vyama vya msingi na hapo mbele uhiari wa kuunda vyama vikuu unaweza kufikiriwa.

Mheshimiwa Naibu Spika, kifungu cha 32 kinachohusu kupitia maombi ya kuandikishwa, hakuna chama kitakachoandikishwa hadi Mrajisi ajiridhishe. Kifungu kidogo cha 5(c) kinasema kuwa "*no society in the same locality performing similar activities for people of the same class or occupation, and that the registration of another society*

would serve no useful purpose". Hakuna chama kingine kinachofanya shughuli zinazofanana na chama kilichotuma maombi kwa ajili ya watu hao hao katika eneo hilo na pia usajili wa chama kingine katika eneo hilo, hautaleti maslahi yoyote kwa watu hao. Kabla ya kutoa mchango kwa hili, kuna swali tungependa kuuliza, ni nani anatakiwa kuona maslahi ya chama cha ushirika, wanachama au Mrajisi? Kifungu hiki ni chanzo cha migogoro na ukiritimba kwani kinazuia ushindani.

Tukumbuke kuwa katika eneo moja si lazima watu walioko hapo walazimishwe wawe ni wanachama wa chama kilichoko eneo hilo. Kuna uwezekano wananchi wengine katika eneo hilo wakaunda ushirika wao unaofanana na uliopo kwa sababu zao binafsi, hivyo ni kwa nini wakataliwe kuandikishwa? Kambi Rasmi ya Upinzani inasema katika kuleta ushindani kiutendaji kama ilivyo kwa biashara zingine zozote na vivo hivyo wananchi wapewe fursa ya kuanzisha ushirika wao pahali popote kama wanakidhi matakwa ya uanzishwaji bila ya kuangalia ushirika upo au haupo sehemu hiyo.

Mheshimiwa Naibu Spika, kuhusu mabadiliko ya sheria ndogo za vyama vya ushirika kuandikishwa kwa Mrajisi, kifungu cha 54(2)(b) "atakataa kuyaandikisha na atakiarifu chama husika". Kambi Rasmi ya Upinzani inaona kuwa haya ni mamlaka ya Mrajisi yaliyopitiliza. Ushirika kwa mujibu wa dira ya sera ni hiari ya wanachama wenyewe, hivyo basi inakuwa kama ushirika huo wa hiari unapohitaji kubadilisha sheria ndogo zinazowaongoza, Mrajisi anaweza kukubali au kukataa. Hii inatoa dhana kuwa ushirika sio mali

ya wanachama/wanaushirika bali ni mali ya Serikali na suala hili ndilo linaloendelea kusababisha wananchi wasiwe na nia thabiti ya kujenga ushirika imara.

Mheshimiwa Naibu Spika, katika mwendelezo huo wa Mrajisi au Serikali kuchukua madaraka ya wanaushirika, kifungu cha 54(5) kinasema kuwa, *“no amendment of the by-laws of the registered society shall be valid until amendment has been registered under this Act”* yaani marekebisho yoyote ya Kanuni hayatambuliki hadi yatakapoandikishwa kwa mujibu wa Sheria hii. Kambi Rasmi ya Upinzani inasema kuwa ikiwa mkutano mkuu wa chama husika cha ushirika kitafanya marekebisho ya sheria ndogo (*by-law*) uendeshaji wa ushirika wao na kuziridhia ni lazima zitumike na zitambuliwe na Ofisi ya Mrajisi.

Mheshimiwa Naibu Spika, kifungu cha 56(3) kinachohusu mahesabu ya kila chama cha ushirika isipokuwa benki ya ushirika kuwa lazima yakaguliwe angalau mara moja kila mwaka. Kambi Rasmi inashauri kuongezwa kwa ulazima wa CAG katika wale wanaotakiwa kufanya ukaguzi wa vyama vya ushirika.

Mheshimiwa Naibu Spika, kifungu cha 75(3) *“endapo hasara yoyote imegundulika kuhusiana na fedha zilizowekwa, kila afisa aliyehusika na hasara hiyo, atakuwa ametenda kosa na atakapopatikana na hatia, atalipa faini isiyozidi shilingi milioni mbili pamoja na faini hiyo Afisa huyo atatakiwa kufidia hasara iliyotokea”*. Kambi Rasmi ya Upinzani inasema kutaja kiwango cha juu ambacho mhusika anatakiwa kulipa si sawa bali inatakiwa sheria itaje

kiwango kisichopungua shilingi milioni mbili na cha juu kitolewe na Mahakama. Aidha, kifungu hakisemi hasara iliyotokana na wizi au uzembe inatakiwa kufidiwa kwa muda gani. Ni vizuri kutaja hata huo muda kwa sababu watu wengine wanaweza kuja kudharau. Wanaushirika wanakatishwa tamaa kwa kuona wezi wa mali zao ushirika wao wanaendelea kufaidika wakati ushirika wao umefilisika na pengine wanahamishwa na kupewa madaraka zaidi katika taasisi zingine za Serikali. Kifungu hiki kinaweza kupelekea ushirika badala ya kushamiri kufa kabisa.

Mheshimiwa Naibu Spika, kifungu cha 110 kinachohusu mamlaka ya Mrajisi kutathmini hasara, kifungu cha 110(1), *"...mtendaji, au mwenyekiti au mjumbe wa bodi au afisa yeyote ametumia vibaya au anatuhumiwa au amewajibishwa katika upotevu wa fedha au mali ya chama...Mrajisi anaweza kutokana na maombi ya Mfilisi, Mrajis anaweza kumwamuru mtu huyo alipe au arudishe pesa au sehemu yake kuendana na hali halisi pamoja na riba ya kiwango kitakachokadiriwa na Mrajisi kama atakavyoona inafaa... "*

Mheshimiwa Naibu Spika, Kambi Rasmi ya Upinzani inaona kifungu hiki kinatoa mwanya kwa wahusika wa ufiisadi wa ushirika kutokufunguliwa mashtaka na Mahakama kutoa adhabu stahiki kutokana na ufiisadi uliofanyika. Aidha, kazi ya kutathmini hasara isiwe ni kazi ya Mrajisi bali kazi hiyo ni ya Wakaguzi wa ushirika. Hivyo basi, kifungu hicho kiandikwe upya ili kisitoe ridhaa kwa Mrajisi kukadiria kiwango cha fidia jambo ambalo ni hatari kwani kinatoa mfano mbaya na kuweka kovu kwa wanaushirika

pale wahusika wa ufiada wanapoendelea kutanua baada ya kufilisi ushirika. *(Makofi)*

Mheshimiwa Naibu Spika, naomba niwashukuru sana viongozi wote wa Kambi Rasmi ya Upinzani, Wabunge wote na watumishi watendaji wa Kambi Rasmi ya Upinzani walionisaidia kuandaa hotuba yetu hii.

Mheshimiwa Naibu Spika, baada ya kusema hayo, kwa niaba ya Kambi Rasmi ya Upinzani, naomba kuwasilisha. *(Makofi)*

NAIBU SPIKA: Ahsante sana Mheshimiwa Rose Kamili kwa usomaji mzuri wa taarifa hiyo.

Waheshimiwa Wabunge, sasa tunaingia katika kipindi cha uchangiaji kwa ujumla na tutaanza na Mheshimiwa Conchesta Rwamlaza, atafuatiwa na Mheshimiwa Dkt. Augustine Mrema na Wabunge wengine watafuatia, Mheshimiwa Conchesta!

MHE. CONCHESTA L. RWAMLAZA: Mheshimiwa Naibu Spika, ahsante sana kwa kunipa nafasi ya kwanza kabisa kuchangia hoja ya Sheria ya Vyama vya Ushirika.

Mheshimiwa Naibu Spika, kwanza, napenda kusema kwamba ushirika ni kitu kizuri lakini kama historia iliyotolewa na Kambi ya Upinzani inavyosema, ushirika umekufa kwa sababu uliingiliwa na wanasia pamoja na Serikali kupita kiasi. Sijapinga kwamba Serikali isiweze kutoa miongozo, maelekezo ili ushirika unapoundwa uweze kunufaisha wanaushirika wake. *(Makofi)*

Mheshimiwa Naibu Spika, ukiangalia sehemu ya pili ya Muswada huu, kifungu cha 4 na cha 5, kazi za Waziri na Serikali ni pamoja na kutoa elimu. Elimu ni kitu cha msingi kwa sasa hivi na hasa kwa kizazi kipyaa. Ukiangalia siku za nyuma, ushirika huu ulikuwa unaendeshwa vizuri, ulikuwa unasimamiwa vizuri kwa uzalendo na kwa uaminifu na ulikuwa na wenyewe lakini kwa kizazi tulichonacho sasa hivi hakielewi maana ya ushirika na watu hawatambui nafasi yao katika ushirika na hawatambui wajibu wao. Kwa hiyo, ni vema pamoja na sheria hii, Serikali itoe elimu ya kutosha ili kuwawezesha wananchi waweze kuona umuhimu wa ushirika katika kuendeleza uchumi wao.

Mheshimiwa Naibu Spika, lakini katika kutoa elimu hii ningeshauri elimu itolewe kijinsia. Ukiangalia siku za nyuma kutokana na mfumo dume ulivyokuwa, wanawake hawakuhusishwa katika elimu hii. Ilijengeka dhana kwamba ushirika ni kitu cha wazee, labda wastaafu, wanaume ndiyo wangeweza kuwa wanachama wa kuendesha ushirika na ndivyo hali ilivyo sasa hivi. Kwa hiyo, naomba elimu ikitolewa, izingatie jinsi, wanawake wahamasishwe, vijana wahamasishwe, ili waweze kujiunga na ushirika, waweze kuinua uchumi wao. *(Makofi)*

Mheshimiwa Naibu Spika, mimi nisingefurahia sana kuona Serikali inaweka mkono mrefu sana pamoja na kwamba itasaidia kutoa miongozo. Wanaushirika wanapenda kuwa na uhuru wao, wanapenda kuwa na demokrasia, wanapenda kujiongoza wenyewe na kama wamepewa elimu ya kutosha, wanaweza kujiongoza na

wanaweza kuandaa na kutengeneza mambo mazuri kama tulivyopewa mifano. Hata sisi tulikuwa na Chama cha Ushirika cha *KCU*, kilikuwa kinafanya vizuri, kilikuwa kinajenga shule, kilikuwa kinajenga hoteli lakini ukitazama sasa hivi mambo yote yameharibika kwa sababu ya uongozi mbaya na kwa sababu ya Serikali kuingiza mikono yake.

Mheshimiwa Naibu Spika, sehemu ya tatu ya Muswada huu inaongelea kuunda Tume. Mimi napenda kuuliza, kwanza, Tume hii itaendeshwa na nani na nani atatoa pesa, isije ikawa wakulima sasa wanajiwabika kutoa michango kuendesha Tume. *(Makofi)*

Mheshimiwa Naibu Spika, sheria itamke wazi kwamba Tume iundwe kama mnaona inafaa lakini Serikali iendeshe moja kwa moja kwa kutoa mafungu. Nasema hivyo kwa sababu, tuchukue sisi vyama vyetu vya ushirika, wanachama au wakulima kwenye ushirika wa mazao, wanalipa gharama kubwa, wanalipa kodi za *VAT*, wanalipa cess za Halmashauri, wanalipa kuendesha vyama vya msingi, wanalipa kuendesha vyama vikuu vya ushirika, wanalipa mpaka kuendesha Bodi na Bodi hizo zinajilipa mishahara mikubwa, magari ya anasa na anasa nyingine. Kwa hiyo, unakuta wakulima wanapunjwa mpaka inapofika kuuza mazao yao wanabaki na pesa kiduchu. Isije ikawa katika Tume hii sasa watu wanalipwa mishahara mikubwa, magari ya kifahari, anasa nyingine mnazozijua halafu wakulima wanabeba mzigo huu. Naomba Mheshimiwa Waziri atueleze waziwazi kwamba katika Tume hii, Serikali itabeba mzigo wa kuiendesha. *(Makofi)*

Mheshimiwa Naibu Spika, mimi nikiangalia katika kuteua Tume, hata Mrajisi, Naibu Mrajisi, wote wanateuliwa na Rais. Ni kwa nini watu hawa kwa sababu sasa hivi ushirika unalenga kuendesha kitaaluma, kwa nini wasiombe kazi, wakashindanishwa ili tuweze kupata watu ambao kweli ni wataalam, wanaweza kuendesha ushirika? *(Makofi)*

Mheshimiwa Naibu Spika, nasema hivyo kwa sababu Serikali hii imeshindwa kuendesha baadhi ya mambo yake kwa sababu ya kuteua watu kiundugu yaani *undugunization* katika ajira, kupeana kazi, urafiki na mitandao. Kwa hiyo, inaweza ikatokea hata hawa watateuliwa hivyo. Bodi ni sawa inaweza ikateuliwa lakini Mrajisi, Wajumbe wa Tume wale, washindanishwe kwa sababu wanapaswa kuwa wataalam, wawe na sifa ambazo zitawekwa na kanuni, tuweze kupata watu wa kuendesha ushirika huu. *(Makofi)*

Mheshimiwa Naibu Spika, nije kwenye Shirika la *COASCO*. *COASCO* ni shirika ambalo limeundwa kwa Sheria ya mwaka 1982. Sasa mnaunda sheria nyingine, hili shirika linaenda kufanya kazi gani? Linakufa? Mheshimiwa Waziri labda atueleze hapa. Kwa sababu kama kazi yake ilikuwa ni kukagua ushirika, kama kazi ya kila siku, kuanzia vyama vya msingi, sasa mnaweka Tume na yenyewe mnaipa kazi ya kukagua, nani akague, shirika hili linakuwaje, Sheria inakuwaje? Linabaki kama Shirika linalojitegemea au linabaki kuwa shirika ambalo litafanya kazi na Tume.

Mheshimiwa Naibu Spika, kitu kingine ambacho kinanipa wasiwasi ni wale Maafisa Ushirika walio Mikoani na katika Halmashauri, wanafanyaje kazi na Tume maana Sheria au Muswada unasema na Tume itaajiri watu. Sasa itaajiri watu wanaofanya kazi nani? Maafisa Ushirika wale watakuwa na kazi gani? Ukitazama Ofisi za Ushirika zilizopo kule, zimeshindwa kufanya kazi kwa sababu zilikuwa hazina fedha, nyenzo, ofisi zao zimedoda. Hawawezi kufanya kazi kama hawakupewa mafungu. Ofisi zipo pale tu, Afisa Ushirika wa Mkoa, wa Wilaya katika Halmashauri, ofisi zao zipozipo, ndiyo maana walikuwa wanashindwa kufanya kazi. Sasa kwa njia hii, naomba Waziri atueleze, Maafisa Ushirika kule Mkoani watabaki wanafanya kazi gani? Ina maana wataajiriwa na Tume, wataajiriwa na Serikali na watakuwa wanafanya kazi vipi, mtueleze kusudi tuweze kuelewa nafasi ya Maafisa Ushirika.

Mheshimiwa Naibu Spika, pia napenda kuongelea mawazo ya Kambi ya Upinzani, katika kifungu cha 110 kinachoonyesha kwamba pale panapotokea hasara, Mrajisi akadirie anavyoona inafaa. Mimi naona lile neno inafaa liondowe pale. Katika lugha ya Kiingereza muweke neno '*shall*' yaani mtoe ulazima kwamba afanye hivi, anatakiwa kufanya hivi siyo kwamba yeye aone inavyofaa, hiyo italeti ukiritimba na wakati mwingine kama Mrajisi yeye ana *interest* pale, anaweza akaamua hovyohovyo na wakati mwingine vyama vya ushirika vinaendelea kufilisika.

Mheshimiwa Naibu Spika, mimi mawazo yangu leo siyo mengi lakini kwa kweli mimi mwenyewe Sheria hii kwa

mawazo yangu, sioni kama kweli itaweza kusaidia ushirika uendelee kwa sababu siku za nyuma kulikuwa na Wizara ya Ushirika na Masoko, Wizara hii ilikuwa inaondeshwa na Mheshimiwa George Kahama ilishindwa.

Sasa huyu Mrajisi na hii Tume ndiyo itakuwaje, haitakuwa chanzo cha kuharibu zaidi kama Wizara kabisa ambayo ilikuwa na uwezo mkubwa wa kiwizara kuanzia juu mpaka chini ilishindwa kuendesha ushirika ukafa? Kwa hiyo, mimi ninavyoona ni kwamba Tume itakuwepo na Mheshimiwa Waziri Tume zimekuwa Tume maana katika Kilimo nako Tume, katika ushirika Tume labda una mambo yako unayoyaona hapa lakini mimi siamini kama Wizara ya Ushirika ilishindwa, Wizara yenyewe, Tume hii itakuja kufanyaje kazi mpaka kuhakikisha kwamba ushirika utaenda vizuri, utawapa uwezo wakulima kupanga mambo yao, utaweza kufanya ushirika uwe endelevu ambao utakuwa ni wa kuzalisha na kutafuta masoko, kusindika mazao na kufanya mambo mazuri ambayo zamani ushirika ilikuwa inafanya mfano kujenga miundombinu kama shule ili kusaidia watoto waweze kusoma na kufanya kazi nyingine za kijamii.

Kwa hiyo Mheshimiwa Naibu Spika, napenda Waziri atuweke sawa ili tuone Tume hii kama kweli itaweza kufanya kazi vizuri na kama itaweza kufanya ushirika ukadumu au inalenga kuua ushirika kabisa.

Mheshimiwa Naibu Spika, ahsante, hayo ndiyo mawazo yangu. *(Makofi)*

NAIBU SPIKA: Ahsante sana Mheshimiwa Conchesta Rwamlaza kwa kutuanzishia mjadala. Mheshimiwa Augustine Lyatonga Mrema atafuatiwa na Mheshimiwa Vita Kawawa, Mheshimiwa Mrema!

MHE. DKT. AUGUSTINE L. MREMA: Mheshimiwa Naibu Spika, nakushukuru sana kwa kunipa nafasi hii ili na mimi nichangie kuhusu Sheria hii ya Ushirika.

Mheshimiwa Naibu Spika, jambo la kwanza ambalo nataka kuchangia ni kuhusu *paragraph 27*, kifungu cha 3, Chama cha Ushirika kinaweza kikaungana na kampuni binafsi au ya umma na kuanzisha ubia. Hili limenitia moyo sana kwa sababu kule Kilimanjaro ushirika unakufa, huu ushirika mama tunaouzungumza unakufa na unasambaratika.

Mheshimiwa Naibu Spika, kule Kilimanjaro kuna vyama 32 kutokana na huu wizi, ufiadi na ukiritimba wa *KNCU*, wakaamua kujitenga, siyo kwamba walipenda, katika hivyo vyama 32 wakaanzisha G32. Wamefanya kazi nzuri sana ingawa hakuna mtu wa Serikali aliye nao. Katika hili suala la mdororo wa uchumi mwaka 2008/2009, G32 walipoambiwa wapeleke mahesabu wakati *KNCU* imeshindwa kupeleka mahesabu, wanahangaika mpaka leo, walipeleka mahesabu yao wakati muafaka na Gavana wa Benki aliwalipa ile hasara waliopata Sh.551,509,707. Hawa wanyonge hawa, hawa wanaokimbia *KNCU* wamepewa zile fedha, sasa hivi hawadaiwi.

Mheshimiwa Naibu Spika, katika mazingira kama hayo, tumeona kumbe tukiendelea na *KNCU* tunakwisha, tunafilisika. Leo *KNCU* inadaiwa madeni ya shilingi bilioni nne, wamefanya mkataba na Benki ya *CRDB* ambapo huwa ndio wanakopa huko kwamba hili deni watalipa kwa miaka 10, huyo atakayesubiri kukatwa kahawa yake alipwe bei ndogo, asipate mabaki, asipate nyongeza miaka 10 ni ndoa gani hiyo? Ni ushirika gani huo mnaotulazimishia tuufuate? Halafu hawa waliojitenga wanaonekana ni waasi siyo wanaushirika.

Mheshimiwa Naibu Spika, kule kwangu, nataka nitoe taarifa hapa, Chama cha Msingi, *Marangu East Cooperative Union* na chenyewe kimeamua kujitoa. Sio kwenye *KNCU*, wanataka kujitoa kwenye hiyo biashara na *KNCU* kwa sababu haina tija, haina faida. *Mwika North East* na wenyewe wameshafanya Mkutano Mkuu wameamua kujitoa na hata kile chama cha kwangu kule *Marangu West* wanataka kujitoa na Kilema, karibu Mwika yote pamoja na Kiruavunjo.

Mheshimiwa Naibu Spika, bahati nzuri wakati *KNCU* inang'ang'ana na *CRDB*, *CRDB* inawadai shilingi bilioni nne, nitaeleza baadaye jinsi hilo deni lilivyopatikana. Tumepata *NMB* pale Himo wanasema tuko tayari kuwasaidia, Chama cha Msingi wekeni mkakati, jipangeni vizuri, tutawasaidieni pesa, leo tunazuiwa. Tuna miezi miwili tunahangaika na huyo Mrajisi mnayemsema, badala ya kutusaidia tuweze kujikwamua, Benki ina pesa inataka kutusaidia lakini hakuna anayetusaaidia, hakuna anayetuskiliza.

Mheshimiwa Naibu Spika, kwa hiyo, *Mwika Norh East* nimesema tayari Mkutano Mkuu umeshafanyika, *Marangu East Cooperative Union*, Mkutano Mkuu umeshafanyika na baadaye mikutano mingine. Kwa hiyo, nachosema kama mmeweka hii Sheria kwamba chama cha ushirika kinaweza kikaungana na kampuni binafsi au ya umma na kuanzisha ubia wao, turuhusiwe kufanya tunachokiona sisi. Kahawa ni yetu, tusilazimishwe kupeleka kahawa *KNCU*, tusilazimishwe kwenda kuchukua hela za *CRDB*, shilingi bilioni nne, nani atalipa? Nani atafanya biashara kichaa?

Mheshimiwa Naibu Spika, kwa hiyo, Mheshimiwa Waziri, nilitaka kuanza na hilo kusema kama hilo utalisimamia, hivi vyama vya msingi viwe huru kufanya biashara wanavyoona inafaa, tunataka faida bwana, hatuwezi kufanya biashara isiyokuwa na tija. Hilo ni la kwanza nilitaka kulisema, Mheshimiwa Waziri ulisimamie. Baada ya Sheria hii kupitishwa, nataka uruhusu *NMB* Himo itukopeshe hizo pesa; fedha za Benki mnazuia hamtaki, sijui mnachotaka ni nini? *(Makofi)*

Mheshimiwa Naibu Spika, jambo lingine ambalo nimeliona hapa, kifungu cha 75, endapo hasara yoyote imegundulika kuhusiana na fedha zilizowekezwa, kila afisa aliyehusika na hasara hiyo atakuwa ametenda kosa na atakapopatikana na hatia atalipa faini isiyozidi shilingi, ile Sheria ya 2003 ilikuwa shilingi laki moja na hata hii tena naona mlikosea hapa kwenye Kitabu hiki mmeandika shilingi laki moja; ni kitu gani hiki?

Nashukuru sasa mmesema shilingi milioni mbili lakini hiyo shilingi milioni mbili tuiseme isiyozidi shilingi milioni mbili, kwa nini tumemwekea *speed governor* Hakimku au Jaji? Tuseme isipungue shilingi milioni mbili na kuendelea kwa sababu mtu hawezi kuiba Sh.900,000/= akapewa faini isiyopungua shilingi milioni mbili sawasawa na mtu aliyeiba au aliyeleta hasara ya shilingi bilioni nne. Kwa hiyo, hiyo faini ikiangaliwa, tena shilingi milioni mbili mimi nasema bado ni ndogo.

Mheshimiwa Naibu Spika, kwa hiyo, mimi ninachotaka kusema hapa ni kwamba, miradi mingi ya vyama vya ushirika ina hasara kubwa. Nikiangalia kule *KNCU*, tena *COASCO*, pamoja na kuwasema walikagua kwa uaminifu na kwa uadilifu. *KNCU* ilipata hasara ya shilingi *3.4 billion*, hasara. Waziri, nilikuandikia barua nikaileta mpaka ofisini kwako kukwambia sasa hizi hasara analipa nani? *KNCU* inadaiwa shilingi bilioni nne na nilisema kwenye Mkutano Mkuu, lakini hakuna hatua yoyote iliyochukuliwa, nikaamua kuandika barua nikakuletea ofisini. leleweke kwamba Sheria ya Ushirika ya 2003, Namba 20, kifungu 48(8), kulikuwa na kifungu kama hiki hiki kinacholetwa. Nikasoma kile kifungu nikakuja Waziri kukuuliza tunafanyaje, shilingi bilioni nne kweli hasara, madeni?

Mheshimiwa Naibu Spika, kwa hiyo, nachotaka kusema ni kwamba, kuna watu kule Kilimanjaro wamekaa kwenye ushirika miaka nenda rudi, hawakamatwi, hawashtakiwi, hawafungwi na hasara zipo na madeni yapo, anawalinda nani, anawabeba nani? Wanatumia hela hizohizo za wakulima kututambia sisi; ndizo wanazotumia ku-*service the*

whole Government? Sio Serikali yote, watu fulani ndani ya Serikali, ndio sababu hakuna mtu anayewanyooshea kidole.

Mheshimiwa Naibu Spika, kwa hiyo, nachotaka kusema Waziri, ile *COASCO* wamekagua na wameandika hiyo taarifa tunayo na mimi nimekuletea. Naomba unijibu unachukua hatua gani, tutaendelea kulia hivi mpaka lini? Mbunge gani hapa hana mamlaka hata akisema hasikilizwi? Kwa hiyo, rafiki yangu Waziri, naomba hilo utusaidie, hawa watu waliotia hiyo hasara kwa hiyo miaka au tunangojea waanze hasara mpya?

Mheshimiwa Naibu Spika, kifungu ambacho kimenifurahisha ni hiki cha kusema Mrajisi anaweza kwa uamuzi wake mwenyewe au kutokana na maombi ya wajumbe wa Bodi walio wengi ambao sio chini ya theluthi moja kuelekeza na kuamrisha baadhi ya watu kwa maandishi, kufanya uchunguzi. Maana tunahangaika sana, kumekuwa na mambo mengi, hujui umepelekee nani; umepelekee Naibu Waziri, umepelekee Waziri, kila siku kiguu na njia na hata ukimpa Waziri hawajibiki kukujibu, ukimpa Naibu Waziri hawajibiki kukujibu. Kwa hiyo, pengine hii Tume itakuwa imesaidia.

Mheshimiwa Naibu Spika, jambo lingine ambalo nilikuwa nafikiri ni muhimu, ni huu ubabaishaji kwenye vyama vya ushirika. Watu wanaosema uwongo, wanaotumia fedha kuwa kwenye madaraka, kwa mfano tuchukue *KNCU*, katika mdororo wa uchumi walisema wamepata hasara ya shilingi bilioni 1.3 kumbe ni uwongo,

uzushi, lakini *BOT* na Wizara ya Fedha walipokagua wanakaona ni shilingi milioni 255. Shilingi milioni 255 tangu 2008/2009 lakini *KNCU* imeendelea kuwaambia wakulima kuna hela huko Serikalini, tutalipwa na hiyo imewasidia kuendelea kubaki kwenye madaraka na kupitisha mambo yao kwenye Mkutano Mkuu, lakini ni kweli? Wakati tuna barua hapa, Wizara ya Fedha inakataa fedha hizo haiwezi kulipa kwa sababu hayo mahesabu yalikuja yamechelewa. Chama kikubwa kama kile kinachelewa, *G32* wanaweza? Wameendelea kudanganya watu mpaka leo; kumbe kisiri wameenda kukaa na *CRDB* kwamba fedha hii msitudai tutaumbuka, tuwekeane mkataba miaka 10. Huyo atakayeendelea kukatwa kahawa yake miaka 10 ni nani?

Mheshimiwa Naibu Spika, kwa hiyo, mimi nachotaka kusema huu uzushi, huu uwongo, watu wazima wanadanganya, je, kuna kifungu gani cha kuwadhibiti watu kama hao? Kwa hiyo, naomba Waziri, hii Sheria ni nzuri kweli, lakini kuna mwarobaini gani mtakaoutumia ili kusimamia ushirika ambao umesambaratika, ambao unakufa? Ni matumaini yangu kwamba Mheshimiwa Waziri na Mdogo wako hapa mtajitahidi. Sisi tuna matatizo makubwa, sisi tunapenda ushirika sana lakini sio ule ushirika wa aina ya *KNCU*, tunataka tuutengeneze upya, uwe na tija, uwe na manufaa.

Mheshimiwa Naibu Spika, kwa hiyo, baada ya kukuunga mkono kwa hili, ni matumaini yangu kwamba wale wanachama wa vyama vya msingi ambao hawataki kuondoka *KNCU* kwa sababu wana hisa, wamewekeza lakini wanataka wawe huru kufanya biashara zao na

vyombo vya fedha vimekubali, *NMB* pale Himo, kwa nini wanazuiwa? Kama *G32* walivyoweza kufanya biashara na ile *Kilimanjaro Cooperative Bank Limited*, wakaweza kukopa, wanakopa wakati mwafaka na wanarudisha yale madeni; kwa nini tunalazimishiwa *KNCU* na *CRDB*, kuna ndoa gani? Hata wakisema wamepata hasara ya bandia, hela wanapewa. Sasa ukiangalia hayo madeni ya tangu 2008 mpaka leo, ni bilioni ngapi ya fedha na riba inazalishwa, atakayelipa ni nani, kwa nini tunalazimishwa, huu ni ushirika gani?

Mheshimiwa Naibu Spika, ombi langu ni kwamba, sisi tuna tatizo la kweli, wala sio kwamba sisi hatutaki ushirika, tunataka kuua ushirika, lakini pia hatutakubali ushirika unaotumiwa na kigenge kidogo cha watu wachache wajanja, wanaotumia fedha hizohizo kuendelea kubaki kwenye madaraka. Sisi tukienda kwenye ushirika tukisema, wanahamasisha watu wakisema mzomeeni yule, sio mwenzenu na kwa kuwa wamepewa hela wanasema eeh, eeh ndizo hela hizohizo. (*Makofi*)

Mheshimiwa Naibu Spika, kwa hiyo, Waziri Chiza, sisi tunakupenda, tunakuheshimu, hasa kule kwangu Vunjo ulinisaidia ule mfereji wa pale Himo, ule wa Mchomba, hongera. Uendelea na kazi hiyohiyo, bado kuna mifereji miwili, siku ile niliomba mitatu kwa hiyo, rafiki yangu unisaidie; *you scratch my back, I will scratch yours*. Kwa hiyo, hili nalo naomba unisaidie, ukinimalizia hili la ushirika, huu mzimu wa *KNCU*, mimi nitashukuru sana. (*Makofi/Kicheko*)

Mheshimiwa Naibu Spika, baada ya kusema hivyo na akinijibu vizuri, akinionesha nitawezaje kuendelea na watu wangu wa Vunjo kuhusu ushirika, nakuhakikishia Waziri nitaunga mkono hoja hii mia kwa mia, ukinijibu na nafikiri utanijibu, ahsante sana. *(Makofi)*

NAIBU SPIKA: Ahsante sana Mheshimiwa Augustine Mrema. Sasa ni Mheshimiwa Vita Kawawa atafuatiwa na Mheshimiwa James Lembeli.

MHE. VITA R. KAWAWA: Mheshimiwa Naibu Spika, ahsante sana na mimi kwa kunipa fursa hii niweze kuchangia Muswada huu wa Sheria ya Vyama vya Ushirika wa mwaka 2013.

Mheshimiwa Naibu Spika, nami naanza kuungana mkono na wenzangu kuipongeza Serikali kwa kuandaa Muswada huu. Vilevile nayaunga mkono mapendekezo yote ya Kamati waliyoyatoa leo hapa. Pia ninaungana mkono na hotuba ya Mheshimiwa Waziri na marekebisho atakayoleta ya Muswada huu, nayaunga mkono kabisa. *(Makofi)*

Mheshimiwa Naibu Spika, naipongeza Serikali kwa kuleta Muswada huu sasa hivi baada ya kuona matatizo mengi yaliyojitokeza kwenye vyama vyetu vya ushirika. Naipongeza pia, toka tulipopitisha Bungeni utungwaji wa Sheria zetu kwa Kiswahili, basi hii itatusaidia sana kwa wakulima kuilewa vizuri sana Sheria hii kwa kuwa imetungwa kwa Kiswahili na kinachoeleweka. *(Makofi)*

Mheshimiwa Naibu Spika, pamoja na pongezi hizo zote na kuunga mkono Muswada huu, nina maoni ya kuongezea katika Muswada wetu huu.

Mheshimiwa Naibu Spika, Muswada huu tumeambiwa utahusu utaratibu utakaokuwa unahusisha Wizara za Kisekta, Serikali za Mikoa na Serikali za Mitaa. Hili jambo litafaa sana, sababu inanipa shida sana pale ambapo ushirika unapopata matatizo ya kifedha yaliyosababishwa na viongozi wachache wa Ushirika ama kwa uzembe ama kwa dhamira ya dhati kabisa ya wizi na Serikali inasaidia kulipa madeni ya kuokoa wakulima wasio na hatia. Mfano uko wazi, pale Rais Mheshimiwa Jakaya Mrisho Kikwete alipokubaliana na maombi ya kuwalipia madeni ya vyama vya ushirika; kwa mfano, pamba, tumbaku, sisi tunaolima tumbaku tulilipiwa madeni wakulima wote, korosho na vyama vingine.

Mheshimiwa Naibu Spika, sasa shida ninayoipata mimi ni pale Serikali inapokuwa inatekeleza wajibu wake wa kuwaongoza wanachama, kuingilia kukoa usiendeleo wizi, vyama vya ushirika vinapaisha sauti kubwa sana, hasa wale walio katika mtandao wa wizi kwamba Serikali inawaingilia. Mbona hawalalamiki pale Serikali inapowalipia madeni yao kwamba Serikali inawaingilia? Inashangaza sana. Kwa hiyo, nasema Muswada huu umekuja wakati mwafaka na mimi ninasema hizi fitina, kelele za viongozi wabadhirifu, Muswada huu ndio Kwinini ya matatizo yao.

Mheshimiwa Naibu Spika, ni kweli, Serikali inaingia kuokoa, Sheria ile iliyokuwa inalinda wezi. Kwa sababu

Sheria inasema ushirika ni huru usiingiliwe; sasa uhuru wenyewe ni wa wezi wachache? Hapana! Ndio Kwinini yake Sheria hii, naipongeza sana Serikali. (*Makofi*)

Mheshimiwa Naibu Spika, uongozi wa chama unapotumia vibaya madaraka yao au kufuja mali na kuiba mali za wakulima au vitendo ambavyo vinakwenda kuzorotesha uzalishaji wa mazao husika, isitumike Sheria ya Ushirika, nashauri itumike Sheria ya Jinai ili hatua ziweze kuchukuliwa haraka. Hili limesemwa pia na Kamati husika. Mwizi ni mwizi, Sheria ya Ushirika haina makali, ina taratibu ndefu, inatoa fursa ya wezi kulindana kwa ule mtandao walionao kwa kutumia fursa ya unyonge wa wakulima ambao hawana ufahamu wa kutosha.

Mheshimiwa Naibu Spika, kwa mfano, kabla sijatoa pendekezo kwenye kifungu cha 133, sisi kwetu kule Namtumbo tuna vyama vya ushirika, vyama vya msingi. Vyama hivi vya msingi huwa vinatoa makisio yake kwa ajili ya ununuzi wa pembejeo husika kwenye Mkutano Mkuu wa Vyama vya Msingi. Halafu mapendekezo hayo yanakwenda kwenye Vyama Vikuu kwa ajili ya kukopeshwa fedha ambazo pembejeo zake zinanunuliwa kwa utaratibu uliokuwepo nyuma ambao leo tunaufuta au Waziri alishaufuta kwenye hotuba yake hapa ya bajeti, ilikuwa pembejeo hizo zinanunuliwa na Chama Kilele Apex.

Mheshimiwa Naibu Spika, sasa Chama cha Msingi kinapotoa mapendekezo yake, nitatoa mfano wa vyama vichache vya Namtumbo. Kwa mfano, kule Namtumbo, Chama cha Suruti, kilitoa makisio yao, mahitaji yao ya

chama chao ya thamani ya dola 104,000 lakini yalipokwenda kwenye Vyama Vikuu huko, wakaongeza, idhinisho wakajipa wao la kukopa dola 188,000 kwa hiyo, kulikuwa na tofauti ya dola 83,000. Ukatolewa mkopo dola 188,000 zikanunuliwa pembejeo za dola 104,000 dola 83,000 zilijumuishwa kwenye deni wakati wakulima wanakatwa madeni hayo. Mkulima anabeba kitu ambacho hakukiagiza kwenye Mkutano wake Mkuu.

Mheshimiwa Naibu Spika, mfano mwingine, chama kingine cha Mgombasi, wao makisio yao yalikuwa dola 245,000 lakini wakaongezewa wakaenda kukopewa dola 345,000 dola 100,000 nzima. Mahitaji yao waliletewa yale ya dola 245,000. Anayeshika fedha hizi kwa ushahidi nilionao sasa hivi ni kwamba wale kwa kukosa ufahamu wa Vyama vya Msingi, *cheque book* zao zinawekwa kwenye Chama Kikuu, halafu wao wanasaini, Chama Kikuu ndio kinatoa fedha wakati wowote ule kwa niaba yao, ndipo wanapotoa zile fedha *surplus*. Kwa hiyo, ni wizi ambao upo, Sheria hii mmeileta wakati mwafaka, naomba mtusaidie sana makosa haya yawe ya jinai. (*Makofi*)

Mheshimiwa Naibu Spika, sasa kwenye kifungu 133(15), naomba kutoa ushauri, kinasema Mkurugenzi wa Mashtaka anaweza, kwa taarifa itakayochapishwa kwenye Gazeti la Serikali, kuteuwa Waendesha Mashtaka ambao watakuwa na wajibu wa kuendesha mashtaka ya kesi zote zinazohusisha vyama vya ushirika. Mimi nataka hili neno 'anaweza' liondolewe, iwe Mkurugenzi wa Mashtaka, kwa taarifa itakayochapishwa kwenye Gazeti la Serikali,

kuteuwa Waendesha Mashtaka, sio anaweza, neno 'may', liondoke.

Mheshimiwa Naibu Spika, suala lingine ni kama nilivyosema, jukumu la pembejeo liwe ni la chama cha msingi kwa Sheria ya Manunuzi na Sheria ya Mkataba. Wao wenyewe ndio waamue wanakopa kiasi gani, mwisho palepale wanaagiza kiasi gani kuliko kwenda ngazi zote. Hii itatusaidia sana kupunguza wizi na ubadhirifu wanaofanyiwa wanyonge wakulima hasa wa tumbaku. Vyama hivi viwe huru, viwe na njia ya kuagiza pembejeo, wasilazimike kupeleka makisio yao kwenye *union* zozote. *(Makofi)*

Mheshimiwa Naibu Spika, mimi naungana kabisa mkono na Kamati kwa kusema kwamba *Apex* iondolewe. *Apex* imeshindwa kazi yake, ndiyo iliyokuwa inaagiza mbolea hii baada ya vyama hivi kutoa makisio yao. Wao ndiyo wanaitisha tenda, wao wanaagiza pembejeo lakini pembejeo za ziada, mbaya zaidi ndiyo wao pia wanasafirisha hizi pembejeo. Leo kusafirisha mfuko wa simenti kilo hamsini kutoka Dar es Salaam mpaka kwa watani zangu kule Tabora ni Sh.2,500/- lakini kwa mfumo huu wa *Apex*, kusafirisha pembejeo mpaka Tabora ni Sh.15,000/= wapi na wapi, gharama hii mara ngapi? Kwa hiyo utaratibu huu ndiyo uliosababisha hasara kubwa kwa wakulima. *(Makofi)*

Mheshimiwa Naibu Spika, Wizara ilipeleka kukagua kule kwenye chama cha *WETKU*, kuna hasara 16 *billion*, wameibiwa wakulima kwa utaratibu usiokuwa sawasawa.

Waziri leo aliyechaguliwa na Rais kwa mujibu wa Katiba kwa kushauriana na Waziri Mkuu kaunda Serikali, Wizara ya Kilimo akamchagua Waziri. Waziri anazungumza Bungeni kwenye Bunge la Bajeti, tunabadilisha mfumo wa upatikanaji wa pembejeo uende kwenye vyama vya msingi halafu wengine huko Apex wanakaa wanasema yale mazungumzo ya siasa, yule anazungumza kisiasa tu pale Bungeni, hawa Apex mpaka sasa hivi wanatuvuruga kwenye utaratibu wa pembejeo. Leo hii ndani ya Bunge hili, Waziri anazungumza aliyechaguliwa Kikatiba halafu mtu anakaa pembeni kule anapinga, anasema anavuruga vyama vya ushirika halafu tunawaachia tu. Tuunge mkono Sheria hii tuokoe wakulima. *(Makofi)*

Mheshimiwa Naibu Spika, naomba kuunga mkono hoja. *(Makofi)*

NAIBU SPIKA: Ahsante sana Mheshimiwa Vita Kawawa kwa mchango wako. Tunakushukuru sana kwa uzoefu wako katika ushirika. Sasa mchangiaji wetu wa mwisho asubuhi ya leo ni Mheshimiwa James Lembeli.

MHE. JAMES D. LEMBELI: Mheshimiwa Naibu Spika, nakushukuru kwa nafasi hii ambayo ni muhimu hususani kwa wanaushirika wa kilimo.

Mheshimiwa Naibu Spika, naungana mkono kabisa na wasemaji waliotangulia kwamba Muswada huu umeletwa ndani ya Bunge hili Tukufu katika kipindi muafaka kabisa. *(Makofi)*

Mheshimiwa Naibu Spika, ushirika ni sekta muhimu kwa nchi maskini, kama ilivyoainishwa katika madhumuni ya vyama vya ushirika kwenye Muswada huu. Ushirika madhumuni yake ni kukuza na kuendeleza shughuli za kiuchumi na kijamii za wanachama wake. Ni chombo muhimu lakini si muhimu tu kwa ujumla jumla lakini kwa wanyonge kuweza kujikwamua katika vikundi vyao.

Mheshimiwa Naibu Spika, ushirika una historia ndefu katika nchi hii. Ulishiriki kikamilifu kabisa katika kupigania uhuru wa nchi hii. Hadi miaka ya 1980, ushirika ulikuwa ni sekta muhimu na ya kuigwa Barani Afrika. Baadhi ya mafanikio ya ushirika katika nchi hii, ni pamoja na kuanzisha Chuo cha Ushirika pale Moshi ambacho wanafunzi kutoka sehemu mbalimbali za Bara la Afrika walikuja kujifunza mambo ya ushirika. Hadi leo baadhi ya mambo ambayo wanaushirika na Watanzania wanayakumbuka yaliyofanywa vizuri na ushirika kabla ya miaka ya themanini, ni pamoja na ujenzi wa shule, zahanati na hospitali na kukuza uchumi wa wanyonge vijijini. Vyama kama vile *KNCU, Victoria Federation, KCU* kule Kagera vilikuwa ni lulu na kwa kweli vilifanya kazi kubwa sana ya kuwatetea na kuwakomboa wananchi.

Mheshimiwa Naibu Spika, mjenga nchi ni mwananchi na mbomoa nchi ni mwananchi mwenyewe. Vyama vya Ushirika hapa nchini vilikuwawa na sisi wenyewe na vilikufa pale ambapo siasa na wanasiasa walipojipenyeza ndani ya vyama vya ushirika. Hapo ndipo milango ya wezi kuingia ndani ya Vyama vya Ushirika ilipofunguliwa. Wajanja wakaingia wakaanza siyo kuiba bali kupora fedha na mali

za wanaushirika na mpaka leo mtindo wa kupora, kuwaibia wakulima na wanaushirika unaendelea. Wakulima wanaendelea kuporwa si asubuhi peke yake, mchana wanapora, jioni wanapora na usiku wakati wenyewe wanaushirika wanachama wamelala wajanja wanapanga mbinu za kuwaibia wanaushirika. Wanaushirika hawana mtetezi na mimi nimefurahi kwamba Muswada huu ulioko mbele yetu unaonesha matumaini kwamba wanaushirika wataweza kusaidiwa.

Mheshimiwa Naibu Spika, mfano ni kama juzi, ndugu yangu hapa Mheshimiwa Kawawa amesema, viongozi katika Vyama vya Ushirika wako juu ya Sheria zote, Waziri akizungumza huku Bungeni kule vijijini, kule Wilayani, Mkoani wanasema hawa ni wanasiasa wanapayuka, hakuna kinachoendelea. Wakati wa Bunge la Bajeti mimi nimeongea ndani ya Bunge hili kwamba kuna kiongozi kule kwetu ambaye kazi yake ni kushiriki kuandaa mbinu za kuwaibia wakulima wa tumbaku mpaka leo hii yuko pale na anatamba anasema waache waendeleo kuzungumza Bungeni sisi tunaendelea. *(Makofi)*

Mheshimiwa Naibu Spika, mimi nampongeza sana Mkuu wa Mkoa wa Shinyanga, anajitahidi Bwana Rufunga, anafanya kazi kila siku kujaribu kuhakikisha kwamba wananchi, watu wa kipato cha chini katika ushirika wanatendewa haki. Kama mimi nilikuwa nazungumza uwongo, Mkuu wa Mkoa ameenda katika kata ya Ushetu, amefanya mkutano na viongozi wa vyama vya ushirika wa tumbaku akakiri kwamba benki ya *NMB* ilikuwa ikishirikiana na viongozi wajanja akiwemo na Afisa Ushirika wa Wilaya

ya Kahama kuwaibia wakulima wa tumbaku, akatishia kusimamisha benki ya *NMB* kuhudumia wakulima wa tumbaku katika Wilaya ya Kahama. Mpaka leo Waziri aliahidi atakuja Kahama kufuatilia niliyoyasema huku Bungeni hajafika na yule bwana ninaamini kabisa anaendelea kuandaa taratibu za kuwaibia wakulima.

Mheshimiwa Naibu Spika, mimi nafikiri Muswada huu utatusaidia na naomba viongozi kama hawa aliowasema Mheshimiwa Kawawa na wale ambao mimi nimewataja ndani ya Bunge hili basi kama hamuwezi kuwafukuza, watoeni hapo walipo wapelekani ambako hakuna fedha. *(Makofi)*

Mheshimiwa Naibu Spika, naona ndugu yangu Naibu Waziri anacheka lakini pale Kahama watu wanaibiwa vibaya sana na watu wanaoandaa mbinu za kuwaibia wako pale, mnawalinda wa nini?

Mheshimiwa Naibu Spika, mimi naunga mkono kabisa Muswada huu na naunga mkono kwa asilimia mia moja mapendekezo yaliyotolewa na Kamati. Hawa watu wamewatendea haki wanaushirika na naomba niseme tu mfano wa mapendekezo yao na ambayo nayaunga mkono kwa asilimia mia moja na ninamwomba Waziri suala la *Apex* futa kabisa. Bila kufuta *Apex* ni afadhali huu Muswada urudi, *Apex* ni kitu gani?

Mheshimiwa Naibu Spika, Kamati imeandika kuna ngazi nyingi katika ushirika ambazo zimekuwa mzigo kwa wanaushirika. Kamati inaishauri kupunguzwa kwa ngazi hizo

hususani kuondolewa kwa ngazi ya Chama Kilele ambacho hakina manufaa kwa wanachama kwa kuwa hakizalishi na badala yake kinategemea kuendeshwa na mapato ya wanaushirika. Ikumbukwe kwamba Chama Kilele kimebaki katika zao la tumbaku tu. Ndiyo hawa ninaowasema, wako pale Morogoro...

MBUNGE FULANI: Wako sita tu.

MHE. JAMES D. LEMBELI: Wako sita lakini kauli zao huko mitaani ni za ajabu sana, hawajawahi kwenda vijijini, mimi sijawahi kuwaona Kahama kule kwa wakulima wa Tumbaku, wako Morogoro wanazungukazunguka kwenye magari makubwa, wanafanya watakavyo. Ndiyo hawa wanaokashifu viongozi akiwemo Waziri, Wabunge tukisema hapa wao wanaitisha Bunge lao.

Mheshimiwa Naibu Spika, mimi naomba Mheshimiwa Waziri katika mabadiliko, toa kabisa *Apex*. Hiki ni kichaka cha kuwaibia wakulima, kuwaongezea mzigo wakulima, hawafanyi kazi yoyote badala ya kusaidia wakulima wao kazi yao ni kuongeza gharama za uendeshaji katika Vyama vya Ushirika vya Msingina Vyama Vikuu vya Ushirika.

Mheshimiwa Naibu Spika, sipendi kusema mengi baadaye ninaweza nikaenda nje ya mstari lakini Bunge hili wajibu wake ni kuwatetea wanaushirika. Mimi nazungumzia hapa wanaushirika wa kilimo cha tumbaku na pamba, wanaibiwa na Sheria ambayo sasa hivi tunataka kuiondoa. Mimi naomba niishie hapo, nashukuru sana na niwapongeze Serikali kwa kuleta Muswada huu mzuri,

niipongeze Kamati husika kwa ushauri mzuri uliotolewa kwa Serikali na naomba sasa ushauri uliotolewa na Kamati, Serikali iuzingatie ikiwa ni pamoja na ku-*delete*, kuondoa kabisa *Apex*, ahsante sana. (*Makofi*)

NAIBU SPIKA: Nashukuru sana Mheshimiwa James Lembeli. Tutaendelea na uchangiaji wa Muswada huu ulio mbele yetu jioni, Mheshimiwa Titus Kamani atakuwa mchangiaji wa kwanza, Mheshimiwa Wenje atafuatia, Mheshimiwa Profesa Peter Msola, Mheshimiwa Moshi Kakoso, Mheshimiwa Said Nkumba, Mheshimiwa David Mwakyusa na wengine kadiri mlivyojiorodhesha, kila aliyejiandikisha tutampa nafasi.

Mheshimiwa Naibu Spika, kabla sijasitisha shughuli za Bunge, niwakumbushe Kamati ya Uongozi na Kamati ya Kanuni saa saba na nusu tukutane pale ukumbi wa Spika.

Baada ya maelezo hayo, naomba sasa nitishe shughuli za Bunge hadi saa kumi na moja leo jioni.

(Saa 6.50 Mchana Bunge lilitishwa hadi Saa 11.00 jioni)

(Saa 11.00 jioni Bunge lilirudia)

NAIBU SPIKA: Waheshimiwa Wabunge, tunaendelea kuujadili Muswada wa Sheria ya Vyama vya Shirika wa mwaka 2013 (*The Cooperative Societies Bill, 2013*), uliowasilishwa asubuhi na Mheshimiwa Waziri wa Kilimo, Chakula na Ushirika. Wachangiaji wetu wa kwanza jioni ya

leo watakuwa Mheshimiwa Ezekia Wenje, atafuatia na Mheshimiwa Prof. Peter Msolla. Mheshimiwa Wenje!

MHE. EZEKIA D. WENJE: Mheshimiwa Naibu Spika, nakushukuru sana kwa kupata fursa hii na mimi pia niweze kuchangia kwenye huu Muswada wa Sheria ya Vyama vya Ushirika wa mwaka 2013.

Mheshimiwa Naibu Spika, kimsingi, mimi sina ugomvi na Sheria hii, isipokuwa naendelea kushangaa kwamba, hata tukileta Sheria elfu moja, tusipokuwa na uwajibikaji kwa maana ya *commitment and accountability*, bado hatuwezi tukasaidia hivi Vyama vya Ushirika na bado pia hatuwezi tukalisaidia Taifa. (*Makofi*)

Sheria hii inasema kwamba, tunatakiwa tuunde Tume katika *definition* yake hapo kuanzia Ibara ya 7(1) mpaka Ibara ya 7(2) inasema kwamba, ni Sheria ya kuundwa kwa Tume ya Maendeleo ya Ushirika yenye Muundo wa kujitegemea. Sasa hizi Tume hata tukiziunda elfu kumi, narudia tena tusipokuwa na *commitment*, uwajibikaji na nidhamu katika kusimamia, siyo Ushirika tu tunaouongelea sasa, hata Mashirika ya Umma, bado hatuwezi tukafanya chochote. Hata zikiwa sheria elfu kumi, bila *commitment and accountability*, hakuna tunachofanya.

Mheshimiwa Naibu Spika, leo nasikitika sana kwamba, Vyama vya Ushirika kwa tafsiri yake ni vyama vya hiari ambavyo wanachama wanakubali kwa hiari, wanaunda wenyewe Serikali. Sasa tunaanza mfumo wa kuwadhibiti, kwa sababu huu ni mfumo wa kuwadhibiti na hii hii Serikali

ambayo leo inataka kudhibiti na kusimamia haya Mashirika ambayo ni Mashirika ya Hiari, Serikali yenyewe hii imeshindwa kujisimamia. Mashirika ya Serikali yenyewe yamekufa, hata *ATCL* haipo na ninyi ndiyo mlikuwa mnaisimamia. (*Makofi*)

Sasa kama ninyi wenyewe mmeshindwa kujisimamia, Mashirika ya Umma mliyokuwa mnayasimamia yamekufa, sasa leo ndiyo mnataka kusimamia Mashirika ya watu ambayo wanaunda kwa hiari! Kwangu mimi sipati *logic* ndiyo maana narudia tena, bila *commitment* na *accountability* hata tukiwa na sheria elfu kumi hatuwezi kufanya kitu chochote. (*Makofi*)

Mheshimiwa Naibu Spika, katika Ibara ya 9(2) inasema kwamba, moja ya kazi ya hii Tume itakuwa ni kukagua na kusimamia Vyama vya Ushirika. Katika Hotuba ya Kambi Rasmi ya Upinzani wamehoji kwamba, mwaka 1982 Serikali ilianzisha Shirika la Umma la Ukaguzi na Usimamizi wa *Cooperatives* ambayo ilikuwa inaitwa *COASCO*. Sasa kama Serikali iliunda hili Shirika, lilikuwa linasimamia mpaka na ukaguzi wa haya Mashirika, lakini bado Mashirika mengi sana na nitatoa mfano; kwa mfano, mimi natoka Mwanza, kulikuwepo na *Nyaza Cooperative*, *Mara Cooperative Union* kule Mara, *SHIRECU* Shinyanga, *Kagera Cooperative Union* na sijui Mbeya *Cooperative Union*, zilikuwepo nyingi nchi hii na hata leo tukifanya *assessment and audit*, ni ngapi zinafanya kazi imara, yaani kwa maana nyingine najiuliza Shirika la Serikali la Ukaguzi lililoundwa mwaka 1982 lilifanya kazi zipi?

Kwa hiyo, kama ilikuwa inafanya kazi ya *Audit* na haya Mashirika hivi Vyama vya Ushirika kama *Nyaza Cooperative Union almost is dead* kwa sababu ya *mismanagement*. Sasa hili Shirika lililoundwa mwaka 1982 lilikuwa linafanya nini? Haya Mashirika yamekuwa *under the nose* ya hili Shirika la COASCO iliyoundwa 1982 na hata leo tunachofanya hapa, *we are just doing repetition of the same things*, yaani tunarudia mambo yale yale. Sasa mimi nauliza tena; nilitegemea kwamba, hata kabla hamjaleta Sheria kama hii na kuunda Tume, labda mngefanya *Audit*; kwa mfano, *Nyanza Cooperative Union* kulikuwepo na Vyama vya Msingi vile, sasa *Nyaza Cooperative Union* ilikuwa inapata pesa zake, walijenga sekondari, walijenga *assets* nyingi. Kimsingi, pesa zilikuwa zinatoka kwenye Vyama vya Msingi ndiyo walikuwa wanachangia kupitia mazao kwenda kwenye *Nyaza Cooperative Union*.

Sasa leo hata ukirudi Nyanza ukifanya *Audit* na *Assessment* uende Mangu, uende Geita, Sengerema, ukawaulize wale wakulima wa msingi kwamba *assets* za *Nyaza Cooperative Union* leo ziko wapi na zimewasaidiaje watasema, ziligongwa na watu wachache wajanja huku Serikali ipo inaona na Serikali hiyo hiyo bado ilikuwa na hili Shirika la Ukaguzi na Usimamizi wa hivi Vyama vya Ushirika; sasa mlitusaidia nini halafu leo mnakuja na Tume! Hizi Tume, narudia tena, hata mkitengeneza Tume elfu kumi bila *accountability and commitment* hatuwezi tukafanya kitu chochote. Nchi yetu tumefika hapa tulipo kwa sababu ya *lack of seriousness, lack of accountability*, hakuna *integrity* na ndiyo maana tunapiga chenga kila siku. (*Makofi*)

Kwa hiyo, hata hii mliyoleta hii pia ni swaga nyingine tu hamna kitu.

Mheshimiwa Naibu Spika, naomba niende kwenye suala lingine; Ibara ya 21(2)(a) ina-*define* sifa za mtu kuwa *enrolled* kwenye Vyama vya Ushirika. Nilikuwa nina-*discuss* hapa na Mheshimiwa Mkosamali, ambaye ni Mwanasheria, tunapanuana mawazo kwamba, hapa imekaaje. Sasa imeleta *definition* inasema kwamba, ili mtu awe *enrolled* kwenye hiyo kuna nyingine tofauti lakini nazungumzia Ibara ya 21(2)(a) inasema kwamba; sifa mojawapo za mtu ku-*qualify* kuwa *enrolled* kwenye Ushirika hata ule ya msingi, yaani zile *Primary Cooperatives* ni lazima awe na *18 years and is of sound mind*. Sasa nikawa nashauri kwamba, ukiangalia umri wa Mtanzania ambaye amekuwa *enrolled* vijijini kwenye shule ya msingi akasoma *averagely* anamaliza shule ya msingi akiwa na miaka 13 labda mpaka 14. Anamaliza darasa la saba, hajafaulu kwenda sekondari au hana uwezo wa kwenda sekondari, *primarily* anaanza aidha *substance farming* au anakuwa mkulima vijijini. Akiwa na uwezo wa ku-*produce* kwa maana akazalisha mazao akiwa na miaka 16 au 17 kwa nini asiruhusiwe kuwa *enrolled* kwenye hizi *cooperative union*?

Kwa hiyo, natoa pendekezo nitaiteta pia kwenye *Schedule of Amendment* kwamba, katika hii *eighteen years* ambayo ni Ibara ya 21(2)(a), tuiweke yote *flat* iwe kuanzia *15 years*, ukizingatia umri wa Mtanzania anapomaliza shule ya msingi halafu haendi popote anaanza kulima kijijini. Kwa hiyo, kama mtu ana uwezo wa ku-*produce* akiwa na miaka kumi na sita, kumi na saba, basi aruhusiwe kuwa *Member*

wa hizi *Cooperative Union*. Katika Ibara ya 71(1), napendekeza kuongeza kitu hapo kwa sababu pale inaonesha hizi *cooperatives* watakuwa wanapataje pesa, imeelezwa pale. Ukisoma kwenye Sheria hii kuna sehemu ambayo inasema kwamba na Waziri pia atasaidia na kuhakikisha hizi *cooperatives* kwa namna moja au nyingine wanaweza wakapata pesa kwa namna yoyote ile. Kwa hiyo, napendekeza pia pale tuje tuongeze ibara ndogo ambayo itasomeka; *and any other money or funds obtained or contributed by the government* kwenda kwenye hizi *cooperatives*.

Mheshimiwa Naibu Spika, Ibara nyingine ambayo naomba niipendekeze ni kwamba, mimi naona kabisa kwamba, tumeingiza siasa; sasa tunarudisha tena siasa kwenye Vyama vya Ushirika. Kwa hiyo, kama uteuzi, kuna Kiswahili kigumu kimetumika Mtendaji Mkuu wanaita Mrajisi; Watendaji wa Mrajisi sijui Mrajisi Msaidizi, hawa watu wote wanaenda kuteuliwa na Rais. Maana yake ni kwamba, tunarudisha siasa kwenye *Cooperative Union*. Sheria inasema kwamba, Mtendaji Mkuu atateuliwa na Rais na wale Watendaji Wakuu Wasaidizi kama *two Deputy Directors*. Uteuzi ukifanywa na Rais, kimsingi, naona tunarudisha siasa kwenye *Cooperatives* na moja ya sababu zilizofanya Vyama vya Ushirika tulivyokuwa navyo vingine havikufanya kazi vizuri kwa sababu tuliingiza siasa. Kwa hiyo, natoa tahadhari kwamba, tusiingize siasa kwenye mambo kama haya. (*Makofi*)

Ibara ambayo imenisikitisha tena sana na hata Kambi imezungumzia ni Ibara ya 32(5)(c), inayosema kwamba,

huyu Mtendaji Mkuu atakaporidhika yeye mwenyewe atakapoonona inafaa, ndiyo atasajili ushirika. Halafu hiyo Ibara ya 5(1)(c) na 5(2)(c) inasema pia kwamba, hakuna vyama; yaani kuna chama kimoja kwa mfano kimesajiliwa Buhongwa pale Mwanza ninakotoka, labda wanauza samaki na hakuna chama kingine kinachofanana na hicho kitakachosajiliwa tena maeneo hayo. Hii siyo sawasawa, kwa sababu watu wanaweza wakawa wanafanya shughuli moja lakini wana malengo tofauti; kwa hiyo, tusiwa-*restrict* kwamba kama wameanzisha hili basi lazima mfuata tu hiyo hiyo kwa kuwa wana-*deal* na kitu ambacho kina *nature* inayofanana. Mnaweza mkawa wote ni wakulima wa mboga, lakini malengo yenu ni tofauti na ndoto mnazotaka ku-*achieve* kwenye Ushirika wenu ni tofauti. Kwa hiyo, watu waruhusiwe, yaani iwe wazi kwamba, kwenye sehemu yenu watu wanaweza wakawa 50 wameunda Ushirika wa mbogamboga mtaa fulani na ninyi pia mna Ushirika wenu wa kuuza mchicha, wale wanauza sukuma wiki; kwa hiyo, kwenye hiyo ibara ya 32 na hizo *reservation*.

Mheshimiwa Naibu Spika, namalizia kwa kusema kwamba, naomba nitumie fursa hii kuishauri Serikali kuwa, ni vyema kwa sababu mashirika mengi yamekufa na mengine hayafanyi kazi vizuri, yaliuwawa na watu kwa sababu ya *mismanagement*. Hao watu waliofilisi haya mashirika wapo na wanajulikana walipo, naomba Serikali ifanye *audit* na Mheshimiwa Mrema alitoa mfano hapa hata *Kilimanjaro Cooperative Union* haifanyi kazi vizuri.

Kwa hiyo, kuna wajanja wachache waliochukua haya mashirika wakaingiza kwenye *mortgage* wakachukua

mabilioni ya pesa kwenye mabenki kwa njia ya mikopo, mikopo ambayo haikurudishwa ikapelekea *assets* nyingi za Vyama vya Ushirika nyingi zikachukuliwa na mabenki na nyingine zikachukuliwa na watu mbalimbali waliokuwa wanadai hivi Vyama vya Ushirika. Kwa hiyo, naomba Serikali ifanye *audit* na wale waliofanya *mismanagement* kwenye haya mashirika na bado wapo, wachukuliwe hatua; vinginevyo, hata hii Tume tunayounda, tunasema kwamba inaenda kuwa *separate entity*, watu wanaoenda kui-*manage* ni wale wale ambao wanatoka kwenye mfumo huo huo ambao wameshindwa kusimamia haya mambo toka mwanzo.

Mheshimiwa Naibu Spika, nashukuru sana. (*Makofi*)

NAIBU SPIKA: Nakushukuru sana Mheshimiwa Ezekiel Wenje. Kama nilivyosema, anayefuata ni Mheshimiwa Prof. Peter Msolla, atafuatiwa na Mheshimiwa Dkt. Titus Kamani.

MHE. PROF. PETER M. MSOLLA: Mheshimiwa Naibu Spika, nianze kwa kukushukuru kwa kunipa nafasi hii, niweze kutoa mchango wangu. Napenda kuipongeza Serikali kwa kuleta Muswada huu kwa wakati mwafaka kabisa. (*Makofi*)

Ningependa nifuatilie kidogo aliyoyazungumza mzungumzaji aliyepita, Mheshimiwa Wenje, aliyesema tukitaka tuwe na mafanikio lazima tuwe na *commitment* na *accountability*. Mimi nakubaliana na yeye, tatizo langu ni kwamba, tunaanza na kipi; unakuwa na *commitment and accountability* kabla hujaanzisha chombo chenyewe? Nilifikiri kwamba, tunaanzisha chombo ndiyo tuwa-*task* watu

ili wawe na *commitment* ya utekelezaji na *accountable*, lakini huwezi kuanza kwa kinyume chake. (*Makofi*)

Vilevile amezungumzia juu ya Serikali kuingilia, wakati kuna chombo kimeundwa; kwa mfano, *COASCO* na kipo kisheria, lakini Serikali hii imekuwa ikiombwa na Vyombo vya Ushirika ambavyo havifanyi vizuri, ivisaidie visimamie tena. Sasa kwa nini wakati vinakwenda vibaya Serikali isiwe na mkono wake wa kuweza kuwauliza vipi mnakwendaje? (*Makofi*)

Ikumbukwe kwamba, Vyama vya Ushirika vilianzishwa mara baada ya Uhuru na lengo lilikuwa ni zuri sana na lengo lile bado lipo mpaka leo; *it is too relevant* kuinua Wananchi walio wengi kiuchumi na kuwaondoa katika lindi la umaskini. Leo hii hali hiyo ipo na ameuliza kama tumefanya *survey* yoyote kuangalia kwa nini vyama hivi vimekufa. Serikali imefanya kazi hiyo na ndiyo maana imeleta Muswada huu ambao una tofauti kwa maeneo yaliyo mengi ili kusahihisha yale ambayo hayakukaa vizuri. Wote tunafahamu, Ushirika umekuwa katika maeneo mbalimbali; katika kilimo, katika biashara mbalimbali, katika masoko na kujikusanya nguvu kwa pamoja ili Wananchi waweze kufanikiwa. Watu wanasema; umoja ni nguvu utengano ni udhaifu.

Nafikiri kwamba, jambo tunalolifanya leo siyo geni na kwamba, sheria nyingi huwa zinatungwa lakini baada ya muda unaona zimepitwa na wakati na mnakuwa mmejifunza mambo mengi ambayo mnaona hayaendi vizuri. Nami ningependa kukiri kwamba, pale ambapo

Vyama vya Ushirika vimekuwa na viongozi wazuri na wanaowajibika, washirika wake, yaani wanaushirika, wamefaidika sana na mifano ipo. Matatizo yaliyopo kwa sasa ndiyo hayo ambayo Sheria hii inataka kuyatatua. Ushirika tulionao sasa kama walivyozungumza wengine, ni Sheria ya mwaka 2003, ambayo inatekelezwa kupitia Programu ya Mageuzi na *Modernization* ya mwaka 2005, lakini utekelezaji wake kama alivyozungumza Mheshimiwa Waziri asubuhi, kumekuwa na changamoto nyingi. Baadhi ya changamoto hizo ni muundo wa Ushirika uliokuwepo kwamba, kulikuwa hakuna mtiririko kutoka kwa Mrajisi mpaka kufika kule kwenye Halmashauri ambako ndiyo Ushirika uliko, Ushirika hauko hapo katikati. Hiyo ilikuwa ni sehemu mojawapo ambayo ilikuwa inaonesha udhaifu mkubwa.

Changamoto ya pili ni kwamba, kulikuwa hakuna chombo cha utekelezaji. Sasa leo katika Sheria hii inaundwa Tume ambayo ndiyo chombo cha kutekeleza, ambacho kitakuwa *accountable* na ndiyo kinachotakiwa kuwa na *commitment* kikishirikiana na Serikali. Chombo hiki ni Idara ya Serikali, kwa hiyo, unaweza kuona kwamba, Serikali bado ina nia ya kufufua Ushirika na ndiyo maana inaunda Tume.

Mheshimiwa Naibu Spika, matatizo mengine yamekuwepo kwenye migogoro ya Wanaushirika. Migogoro mingi ya Wanaushirika imekuwa ikichukua muda mrefu, hata pale unapotokea wizi, kesi hizo zikienda mahakamani zimekuwa zikichukua muda mrefu. Vilevile kumekuwa hakuna vyombo vingine vya hapo katikati vya

kuweza kutekeleza ama kusaidia kusuluhisha migogoro hiyo. Kwa hiyo, watu wengi walikata tamaa, wanajua kabisa waliofanya ubadhirifu ni hawa, lakini kesi ikienda mahakamani mpaka ushahidi ukapatikane hata pale panapokuwa na ushahidi wa kutosha, kwa hiyo, mambo kama hayo yanakatisha tamaa Wanaushirika walio wengi.

Aidha, kumekuwa na uongozi mbovu katika Vyama vya Ushirika, walio wengi ni watu ambao siyo waminifu. Kule nyuma waliokuwa wakituhumiwa walikuwa ni Maafisa wa Ushirika, lakini siku za karibuni mtandao umepanuka zaidi, unakuta hata wale Viongozi wanaochaguliwa kama Wenyeviti, nao wanakuwa wanahusika. Unakuta mabenki yanayokopesha wako kwenye mtandao na ukimpata Kiongozi wa juu wa Kisiasa kama Mwenyekiti, inakuwa ni vigumu hata kumdhibiti, kwa sababu kunakuwa na *conflict of interest* na inakuwa ni vigumu sana kumdhibiti.

Kwa hiyo, nafikiri yale mapendekezo ya Kamati ya Kudumu ya Bunge ya Kilimo, Mifugo na Maji ya kusema haingefaa tena mwanasiasa au mwenye kuteuliwa kushika nafasi ya Uongozi katika Ushirika siyo vizuri, kwa sababu kutakuwa na *conflict of interest*. Aidha, mtu achague moja; yaani kuwa Mbunge au kwenda kwenye Ushirika, lakini kushika vyote, *definitely*, hiyo italeta mgongano wa kimasilahi.

Mheshimiwa Naibu Spika, nimefurahishwa kuona Wanaushirika wanapunguziwa mzigo kwa sababu kulikuwa na ngazi nyingi, kutoka kwenye *primary society* mpaka wakafika huko juu, lakini waliokuwa wanabeba huo mzigo

ni Wanaushirika wenyewe. Sasa pendekezo lililokuja kusema tupunguze hizi ngazi na hususani ile ya *APEX*. Naamini hilo ni jambo la maana kwa sababu hiyo *APEX* ilikuwa imebakia kwenye zao moja tu nalo ni Zao la Tumbaku, hakuna kwenye mazao mengine kama korosho ama pamba ama mahala kwingine. Kwa hiyo, hiyo yote imekuwa inaleta mzigo kwa sababu hao watu walikuwa hawazalishi. *(Makofi)*

Mheshimiwa Naibu Spika, naunga mkono suala la kuanzisha Mabaraza ya Usuluhishi, kwa sababu katika Sheria iliyokuwepo ilikuwa ni Waziri, sasa siyo kila mtu atakimbilia kwa Waziri kila wakati. Tuna vyama vingi sana na vingi vina matatizo, sasa kuunda na kuanzisha Mabaraza ya Usuluhishi katika ngazi mbalimbali, itarahisisha na ndiyo itaboresha utendaji.

Mheshimiwa Naibu Spika, Ushirika ukifufuka hasa kama Tume itafanya kazi yake, kazi ya usimamizi na udhibiti na uhamasishaji, nina hakika itarudisha imani ya watu wengi kurudi kwenye Ushirika. Ninayo mifano hata mkoani kwangu Iringa, tulikuwa na *Iringa Mufindi Cooperative Union (IMUCU)*, ambayo imekuwa kwa muda mrefu haifanyi kazi, baadaye wakaja kubadili wakaita *Iringa Farmers Cooperative Union*, ikiunganisha Iringa, Mufindi na Kilolo; nayo bado ni matatizo tu. Kule Njombe kulikuwepo na NJOLUMA, yaani *Njombe, Ludewa, Makete Farmers Cooperative Union* nazo zote zina matatizo. Wenzangu wametoa mifano maeneo wanakotoka; hivyo, kuletwa kwa sheria hii tuna hakika kwamba, itasahihisha huu upungufu ambao ulikuwepo.

Mheshimiwa Naibu Spika, naunga mkono hoja hii, naomba wote tuungane ili tuitengeneze Sheria hii iweze kuwa bora zaidi. Ahsante sana. Naunga mkono hoja. *(Makofi)*

NAIBU SPIKA: Ahsante sana Mheshimiwa Profesa Msolla. Mheshimiwa Dkt. Kamani, atafuatiwa na Mheshimiwa Suzan Lyimo na Mheshimiwa Kakoso ajiandae. Mheshimiwa Dkt. Kamani!

MHE. DKT. TITUS M. KAMANI: Mheshimiwa Naibu Spika, ahsante sana kwa kunipatia nafasi ili na mimi niweze kuchangia Muswada huu. Dhana ya Ushirika imejengwa kutokana na misingi ya umoja ni nguvu na nguvu ya maskini ni umoja na hata wakulima wa mwanzo wa nchi hii walilitambua hilo, ndiyo maana wazungumzaji wanarejea rejea kila wakati *KNCU, Victoria Federation*, ambazo zilifanya kazi nzuri sana na wakati ule hakukuwa na siasa kwenye Ushirika. Zilifanya vizuri, nafahamu Watanzania wengi wanafahamu vitega uchumi vya mwanzo katika nchi hii. Katika Makao Makuu ya Taifa Dar es Salaam; kwa mfano, Jengo la Ushirika ni kitega uchumi cha kwanza kilichotokana na Ushirika na kulikuwa na *APEX* iliyokuwa inafanya kazi vizuri. *(Makofi)*

Mwanzo, jengo zuri kubwa la kwanza ni la Nyanza na lilianza la *Victoria Federation*, kwa sababu zilikuwa zinafanya kazi vizuri. Sasa hivi tunazungumza habari ya *APEX* kwa sababu tunaogopa kusema ukweli. Ukweli ni kwamba, tumeachia ufisadi uchakaze Vyama vya Ushirika na

hatuwaambii ukweli na tunawalinda. Kuna mzungumzaji mmoja amezungumza habari ya wizi. Wizi ni wizi, anapoiba kwenye Ushirika mbona anachiwa? *(Makofi)*

Mimi kwa kweli kimsingi natofautiana, labda kama Waziri ataleta maelezo ya uchambuzi vizuri kuhusu Muswada huu, kwa sababu naona ni kama kuweka mvinyo chakavu kwenye chupa mpya. *(Makofi)*

Mheshimiwa Naibu Spika, naomba nitofautiane kabisa na Serikali ya Chama changu, kwa sababu naona kama ni kuwachezea Wananchi, hakuna dhamira ya dhati ya kuwasaidia. Vyama vile vya mwanzo vya Ushirika viliondolewa kwa sababu ya siasa, vikavunjwa, zikaletwa Bodi. Sisi tulikuwa na Bodi ya Pamba. Bodi ya Pamba unamuweka Mtendaji Mkuu sijui Mchaga au Mhaya, ambaye haijui hata pamba. Hili zao siyo utaalim tu hata tabia, lina tabia yake! *(Makofi)*

Sasa unampeleka Mkurya akasimamie chai, siyo zao lake, lina tabia yake. Vikapuuzwa na Serikali ilivyoona havifanyi vizuri, ikaanza kuvirudisha upya Vyama vya Ushirika upya; *Nyanza, SHIRECU, MARACOP*. Vikamegwa vikawa vidogo vidogo vya mwanzo, vile vilivyokuwa na nguvu vikafa. Kwa sababu watu wameshafundishwa kuonja, vikashindikana ndiyo maana mpaka sasa hivi tunahangaikia Ushirika kwa sababu watu wameshapenda na kuona kwamba kule ni mahala pa kula.

Umoja wa Vyama vile vidogo vidogo vya msingi, vile vya kimkoa, vikiungana ndiyo vinakuwa na *negotiation*

power kubwa. Vinapoenda kujadili bei ya mazao vinakuwa na nguvu. Sasa hivi tunasema tuiache viwe vyama vyama vidogo; vyama vidogo vidogo vina wataalam wapi wa kwenda ku-*negotiate* hata bei kama tunazuia vyama visiungane? Wezi walioiba tuwasonge, tuwakamate, tuwashughulikie, lakini wasituondoe kwenye hoja ya msingi. (Makofi)

Wakati ule vijana waliweza kusomeshwa na Vyama hivi vizuri, sasa hivi hatuoni Chama chochote cha Ushirika kinapeleka watoto shule na hatuoni mchango wowote katika jamii. Mimi nafikiri lazima tuwe wakweli, tuseme wezi ni wezi, tuwashughulikie. Sasa nataka nione kama sheria hii ina-*address* wezi. Zamani kulikuwa na malipo ya pili kwa mazao, hiki kitu kimekuwa historia. Kwa nini; wezi ambao tunaogopa kuwasema! (Makofi)

Mheshimiwa Naibu Spika, kitu kingine, hapa tunaleta Muswada wa Sheria, lakini Sera ya Ushirika ni ile ya mwaka 2002; kipi kinachotakiwa kuanza Sera au Sheria? Tabia ya Ushirika imebadilika sana katika jamii yetu, tofauti na wakati ule watu walipokuwa hawajui rushwa na mambo mengine. Wakati ule unaweza ukakuta kijiji kizima kinakuwa na Chama kimoja cha Msingi, sasa hivi haiwezekani kwa sababu kwanza shughuli zimeongezeka. Watu wanaweza kuwa na shughuli nyingi katika kijiji kimoja, kwa hiyo, wanastahili kuwa na vyama kadhaa. Sheria hii inaanza kuweka mikingamo, sasa tunataka tulazimishe tu-*impose* Ushirika. Ushirika unatakiwa kuwa na upendo, watu wenyewe watamani; sasa hii Sheria naona kama ina matatizo makubwa. Kwa hiyo, lazima waangalie hali ya

tabia ya Wananchi wa sasa ili walete Sheria inayoendana na mazingira ya sasa.

Katika Sheria hii kumezungumzwa habari ya kuundwa Tume, kwenye Tume ya Umwagiliaji niliunga mkono, hatujawahi kuona Tume au Idara kubwa inayoshughulikia Idara ya Umwagiliaji, ilikuwa ni suala la msingi. Ushirika tumehangaika nao kwa miaka mingi, kwa kweli una majeraha makubwa na mimi ni mhanga wa Ushirika; ndiyo maana naguswa sana na hii Sheria, naona inahitaji kufanyiwa kazi kubwa. Sasa hii Tume imepewa majukumu kwenye Ibara ya 9, kusajili Vyama, kuvifuta, kuvikagua na kutatua migogoro. Wewe unawezaje kuwa mchezaji na refa kwa wakati mmoja! Haiwezekani, lazima kuwe na mamlaka nyingine ya kuangalia hivyo na uhalisia, wote tukiri tu kwamba, kazi ambayo anafanya Mrajisi na hiyo kitu inayoitwa *COASCO*, hawa ni miungu watu, hawaguswi na ndiyo wanakwamisha Ushirika kwa Wananchi kule.

Mimi nina vyama vyangu vya kuweka na kukopa kule vimekuwa vinataka kukopa, anatakiwa *COASCO* akakague, mpaka abembelezwe apigiwe magoti kama Mungu kwenda kukagua. Kwa hiyo, vinashindwa kujikomboa, ni kikwazo kikubwa na huyo Mrajisi ni kikwazo kikubwa kwa Wananchi wetu.

Mheshimiwa Naibu Spika, naomba hapa tutofautiane kabisa mpaka Mheshimiwa Waziri atakapoleta ufafanuzi mzuri kwamba, sasa tabia ya Mrajisi itakuwaje ambayo itapendelea Vyama vya Msingi na Vyama vya Ushirika. Huyo *COASCO* atafanyaje ili kuhakikisha watu wanapotaka

kufanya shughuli zao za maendeleo wanasaidiwa na siyo kukwamishwa. Tunataka wasaidiwe wasonge mbele na siyo kuleta umaskini, lakini sasa mpaka wawezeshwe kwenda kukagua, apewe pesa na yeye ni Mtumishi wa Serikali, analipwa mshahara, ana magari anayo, lakini mpaka ahongwe, yaani asaidiwe kwenda kukagua. Sasa wapi na wapi? Tunasaidia tunasema tunaujenga Ushirika namna hiyo; siyo kweli. (*Makofi*)

Mrajisi huyu ndiyo anateua Wajumbe wa Bodi; sasa kama huyu anateua si anakuwa ndiyo *dictator* mwenyewe? Wajumbe wa Bodi watasema kauli gani tofauti na mawazo yake kama yeye ndiyo amewateua? Hebu tuangalie kwa umakini kidogo; samahani sana profesa wangu, mwalimu wangu nakuheshimu; lakini hili kwa sababu kwetu limetuathiri sana na ndiyo chanzo kilichofanya wakulima wa pamba warudi katika umaskini wa kufa na kupona, kwa sababu ya kuvurugwa kwenye Ushirika wao na kama hakuna maelezo ya kutosha, siungi mkono hoja.

Uongozi wa Ushirika, nashindwa kuelewa watafanyaje kazi. Sasa hivi ndiyo Idara iliyo duni kabisa, unapoenda kwenye Halmashauri ya Wilaya. Utakuta Idara ya Ushirika ina mfanyakazi mmoja, wawili, wakizidi sana watatu, haina gari wala pikipiki na huyu mtu ndiyo anayeshughulika na maisha ya kila siku ya Wananchi ya kiuchumi, ambayo ndiyo uhai, lakini hawezeshwi kabisa na tena amewekwa pembeni.

Tunafikiria habari ya kuwajenga Wananchi wetu kiuchumi tutawajengaje kama tumeshindwa kufanya marekebisho katika Idara iliyokuwepo, tunakuja na muujiza gani na Tume?

Tutakuja na muujiza gani kufanya mambo haya yabadilike na kuwa sawasawa. Mimi naungana kabisa na marejeo ya mzee wetu Ngeze, ambaye anasema, kwanza, kitu cha msingi baada ya siasa na Serikali kuingilia kila wakati na kupora mamlaka ya Wanachama, lazima tuanze kufundisha upya Wanachama ili Wananchi waelewe wajibu wao katika Ushirika, kwa sababu wameshaogopa. Hata ukianzisha Vikundi vya SACCOS wanaanza kuogopa kwamba, tunaenda kuibiwa kama alivyosema profesa, wanaogopa Ushirika. Bila hilo hatuwezi, hebu tuanze kuwafundisha kwanza suala la watumishi. Tuna Chuo cha Ushirika lakini hatuoni *impact*; hakuna Wataalam wa Ushirika kule vijijini, wanaenda wapi hawa wataalam wanaofundishwa Chuo cha Ushirika na hiki ni chuo cha zamani kabisa; wanaenda wapi kwa sababu wametelekezwa wanaishia kwenye kazi nyingine?

Naomba Serikali ijielekeze kwenye haya masuala ya msingi kwanza ili kuhakikisha kwamba, kama tunataka kuujenga Ushirika kweli, tunaanza kuujenga upya. Nilikuwa najiuliza kidogo kuhusiana na wanasiasa kutoshiriki kwenye Uongozi wa Ushirika. Mimi sielewi *sense* yake kwa sababu sisi tuna historia ya wazee wetu akina Marehemu Bomani, alikuwa Kiongozi wa Ushirika na akawa Waziri mzuri, akawa Balozi. (*Makofi*)

Hivi Wabunge hapa tukiamua kuanzisha chama chetu cha kuweka na kukopa hatutakuwa na Mwenyekiti, hatakuwa mwanasiasa? *Where is the logic*; kama ni mwanasiasa anaiba, kamata mwizi ni mwizi na siyo kwa sababu ni mwanasiasa. Wanasiasa hawa ndiyo tuna mashamba tunalima, ndiyo wafugaji, tuna vyama vya wafugaji, wavuvi tuna vyama vya wavuvi. Sasa kwa kuwa mimi ni mwasiasa basi, kazi yangu ni kupiga kura siyo kupigiwa, huu ni ubaguzi kwa sababu tumeogopa kum-*face* yule mwizi. Kama Serikali tumeogopa kutekeleza wajibu wetu, tusifiche tukatafuta kimvuli eti kumuengua mwanasiasa, *this is not proper*. Ushirika ni sehemu ya maisha na mwanasiasa ni Mtanzania kama Watanzania wengine, anapaswa kushiriki kwenye shughuli yoyote ya kuchagua na kuchaguliwa kama anazo sifa. Akitumia vibaya nafasi yake, ashughulikiwe kwa mujibu wa kanuni na sheria. *(Makofi)*

Kwa hali hii ya kuleana leana ndiyo maana hata tunapoongea hii habari ya madawa ya kulevya, tunasema kuna Wabunge wamo, kuna Mawaziri, ukigusa hapa itakuwa shida; sasa tutakuwa Taifa la namna gani ambalo sheria zinawabana tu wanyonge wale wakubwa hawaguswi! *(Makofi)*

Tukajifunze China, kigogo mkubwa kabisa na familia yake ameteremshwa ameingizwa magereza kwa sababu ametumia vibaya ofisi. Tuache uwoga, Serikali tutawale. Siku zote nasema, kama Serikali tunataka kutawala

tutawale na nafasi tunayo tutawale, mwizi kamata weka ndani, siyo kwa sababu ni mwanasiasa wala nini. (*Makofi*)

Mheshimiwa Naibu Spika, nasema siungi mkono Muswada huu kwa sababu haujanielekeza kuamini na kuona namna gani tuna-*address* shida ya msingi ya Wananchi wetu ambao wamebaki maskini kwa sababu ya kuingiliwa ingiliwa na sheria na Serikali katika masuala ya kujenga uchumi wao. (*Makofi*)

Mheshimiwa Naibu Spika, ahsante sana. (*Makofi*)

NAIBU SPIKA: Ahsante sana Mheshimiwa Dkt. Titus Kamani, kwa uchambuzi wako wa kina. Mheshimiwa Suzan Lyimo, atafuatiwa na Mheshimiwa Mosi Kakoso. Mheshimiwa Suzan Lyimo!

MHE. SUSAN A. J. LYIMO: Mheshimiwa Naibu Spika, nashukuru kwa kunipatia nafasi na mimi nichangie katika Muswada huu muhimu ambao ni wa kutunga upya Sheria ya kuwezesha kuunda upya Tume ya Maendeleo ya Ushirika Tanzania.

Mheshimiwa Naibu Spika, nimesimama kwa sababu na mimi ni zao la Ushirika; naelewa kwamba, Ushirika ni jambo la msingi sana hapa Tanzania na hususani kule ninakotoka Kilimanjaro. Ni jambo la kusikitisha sana, kuona Ushirika Tanzania umekufa na wengi toka asubuhi wamesema na nipende kuungana na Mheshimiwa Kamani, ambaye amemaliza kuongea hivi punde.

Mheshimiwa Naibu Spika, ni wazi kwamba, Ushirika huko nyuma kuanzia miaka ya 1925 mpaka tumepata Uhuru, ulikwenda vizuri sana. Nitolee mfano wa Mkoa wa Kilimanjaro; *KNCU* ilifanya vizuri sana na ndiyo sababu ukiangalia mashule utaona Kilimanjaro inaongoza, lakini vilevile Hospitali. Vilevile tunaona Hoteli, Hoteli ya *KNCU* pale Moshi zamani ilikuwa ndiyo Hoteli kama ilivyo Kilimanjaro sasa, lakini Hoteli ile sasa hivi imekufa kwa sababu Ushirika umekufa.

Mheshimiwa Naibu Spika, sasa cha kuuliza ni kwamba, je, huu Muswada kweli unakwenda kujibu matatizo ya Ushirika tulionayo hapa Nchini? Tatizo kubwa ambalo limeonekana katika Muswada huu au katika Ushirika wa Tanzania ni suala zima la ubadhirifu, suala zima la wizi uliokithiri. Kinachoshangaza, baada ya wizi huo, Serikali inakuwa ina-*pump* fedha kwenye Vyama hivyo vya Ushirika. Suala la kujuliza ni kwa nini Serikali inaendelea kutoa fedha wakati wezi wanaendelea kupeta? (*Makofi*)

Mheshimiwa Naibu Spika, nikiendelea na Muswada huu, mimi naelewa kabisa katika kile Kifungu cha nane, ukiangalia utaona kwamba, kutakuwa na Wajumbe saba, lakini Wajumbe hawa saba hakuna mahali popote kinaelezea suala zima la *gender*. (*Makofi*)

Nimeangalia hata katika marekebisho, inasema kwamba; *in nominating Members of the Commission, a regard shall be made to gender, professionalism and competence in the cooperative development issues*, lakini haijasema ni wangapi. (*Makofi*)

Mheshimiwa Naibu Spika, ieleweke kwamba, Wadau wakubwa wa Ushirika ni akina mama. Siyo hivyo tu, akina mama hawa ni wasomi, kwa hiyo, nilikuwa nategemea sana wakati wa marekebisho, Mheshimiwa Waziri atuhakikishie kwamba, angalau katika hao Wajumbe saba, basi Wajumbe watatu au wawili wawe wanawake, kwa sababu watatetea masilahi ya wanawake. *(Makofi)*

Mheshimiwa Naibu Spika, vilevile katika *composition* ya hawa *members*, inaelekea *members* wengi wanatoka Serikalini. Tunajua kwamba, Ushirika ni masuala ya hiari na wengi wanatoka katika *private sectors*. Kwa hiyo, nilikuwa nategemea walau wawili au watatu watoke vilevile kwenye *private sector* ili kuleta *balance* katika uwakilishi.

Mheshimiwa Naibu Spika, niendeleo, ukiangalia kwenye *interpretation* ambayo iko ukurasa wa 11; naomba pale kwenye *delegate means*, lakini inasema *means in the case*, nadhani ingekuwa *means the representative of a special number of individual members who is elected or appointed to attend and vote at a meeting of delegates in the case, and then unakuja in the case na ile the second one, siyo the means halafu in the case of.*

Mheshimiwa Naibu Spika, kwenye tafsiri pia ya Kiswahili, najua kawaida tafsiri huwa inaenda *alphabetically*, lakini ukiangalia utaona baada ya ziada, "Z", wamekuja kwenye Chama cha Shuleni. Kwa hiyo, nadhani ni vyema kile

Chama kiende kwenye Chama kama ambavyo tafsiri zinakwenda *alphabetically*.

Mheshimiwa Naibu Spika, nije sasa kwenye Muswada wenyewe. Niseme kwamba, kuna umuhimu sana wa Ushirika na niseme Muswada huu umechelewa kuja kwa sababu ninaamini kabisa, Serikali imeangalia ikaona kuna matatizo makubwa, kuna kilio kikubwa sana cha Wanachama, kwa hiyo, ninaamini huu Muswada umechelewa, lakini swali langu la msingi ni je, Muswada huu unaenda kujibu matatizo ya msingi yaliyopelekea Vyama vyetu vya Ushirika kufa? Hilo ndilo suala la msingi. (*Makofi*)

Mheshimiwa Naibu Spika, kama ambavyo nimesema, kuna tatizo kubwa sana la elimu kwa Washirika. Mimi nakumbuka toka zamani Chuo cha Ushirika Moshi, kilikuwa kina kipindi maalum redioni kinachosema Wananchi tujifunze Ushirika, kipindi kile siku hizi sikisikii.

Vilevile tumeona sasa hivi kumekuwa na Vyama vingi vya Ushirika, ambavyo vingine inawezekana vinafunguliwa kitapeli. Kubwa ambalo limeonekana ni kwamba, Wananchi na Wanaushirika kwa ujumla wake, hawana elimu ya kutosha kuhusiana na Ushirika na ndiyo sababu Viongozi wachache wanaokuwa na uelewa kidogo au uelewa sana, wanakuwa wanawatapeli Wanaushirika na kwa maana hiyo, Wananchi au Wanachama wamekosa imani kabisa na Ushirika. (*Makofi*)

Mheshimiwa Naibu Spika, kwa hiyo, kama kweli Muswada huu utatekelezwa ipasavyo, ninaamini kabisa unaenda kutatua matatizo.

Mheshimiwa Naibu Spika, jambo lingine ambalo nataka kulizungumzia ni suala zima la Mrajisi wa Vyama vya Ushirika. Hapa inaelekea kwamba au ilivyo kwenye Muswada, huyu Mrajisi anateuliwa na Rais na wote tunajua kwamba, kuna matatizo makubwa sana katika uteuzi; kwa sababu huyu mteule atakuwa anasikiliza ya yule aliyemteua na siyo ya wale watu walioko chini yake. Kwa mfano, tuna *Federation of Cooperative Societies*, yaani Shirikisho la Vyama vya Ushirika hapa nchini. Kwa nini Shirikisho hili lisichague Viongozi wake, halafu Viongozi hao wamteue mtu ambaye atakuwa ndiyo Mrajisi badala ya Rais kuteua kwa sababu Rais ana madaraka makubwa sana; kwa nini Wanachama wenyewe wasichague mtu ambaye anaweza kuwaongoza kama ilivyo kwenye Shirikisho la Mpira wa Miguu hapa Tanzania? (*Makofi*)

Mimi sijaona Leonidas Tenga ameteuliwa na Rais, anachaguliwa. Kwa hiyo, ni kwa nini na kwenye jambo la msingi kama hili, wale Wanachama wenyewe wasichague Kiongozi wao ambaye atakuwa *responsible* na *accountable* kwao? (*Makofi*)

Mheshimiwa Naibu Spika, kwa hiyo, niungane tu na wale waliosema kwamba, hii itaendelea kuleta hili tatizo, kwa sababu tumeona na Serikali inajua chanzo cha kuvunjika au kufa kwa Vyama vya Ushirika. Kwa hiyo, sasa hivi tunaendeleza lile tatizo, tunaona huu Muswada ni mzuri,

lakini naamini kabisa, kama tatizo lilikuwa ni Serikali kuingilia Vyama vya Ushirika na bado sasa hivi inaendelea kudhibiti, nadhani tatizo litakuwa halijawa *solved*.

Mheshimiwa Naibu Spika, kwa hiyo, naishauri Serikali, waangalie kwa makini, jinsi ambavyo wamesikia kilio, jinsi ambavyo wana wataalam, wameangalia kwenye Vyama vya Ushirika. Sikatai Serikali kutoa miongozo, lakini pale Serikali inapoingilia moja kwa moja kwenda kudhibiti, hapo ndipo ambapo Wananchi na Wanachama wanakosa imani na Serikali. Kwa hiyo, waangalie vizuri suala zima la huyu Mrajisi, lakini vilevile na hao wengine ambao watakuwa Viongozi katika Ushirika.

Nizungumzie suala la *APEX*; nakubaliana na Waheshimiwa Wabunge wote, walioongelea suala la Chama Kilele au *APEX* kutokuwepo. Niseme tu, hili litakuwa ni janga, kwa sababu haiwezekani Vyama vya Msingi ndiyo vifanye kazi, halafu hicho Chama Kilele ambacho hakina chochote, wao ndiyo wako pale juu wanakula. Nadhani ni msingi kabisa kwamba, hiki Chama Kilele kiondoke kwa sababu hakina jukumu lolote zaidi ya kula. (*Makofi*)

Mheshimiwa Naibu Spika, umuhimu wa Ushirika kama nilivyosema unajulikana, lakini niseme kuwa, Wananchi walishakata tamaa na kama kweli Muswada huu unakwenda kuwasaidia, basi uboreshwe; pale ambapo Wabunge mmeona kilio chao mkisikie kwa sababu Ushirika unachukua zaidi ya asilimia 80 ya Watanzania na hususan Vijana. Kwa hiyo, nategemea sasa kwamba, kikubwa tukazie kwenye kuelimisha Wananchi kuhusiana na Ushirika,

waelewe Ushirika ni nini. Vilievile waweze sasa kutoa michango yao ili waweze kwenda na maisha bora. Kwa sababu wote tunajua kwamba, kama kweli hawatashiriki katika Ushirika huu, basi tunaendelea kuwa na Taifa la watu ombaomba.

Nisisitize tu kwamba, tunahitaji sana Ushirika na Wananchi wa Tanzania wanahitaji sana Ushirika, lakini Ushirika kama ulivyokuwa zamani ambao uliwaboreshea maisha yao, wakauelewa, wakaamini, lakini sasa hivi imani yao imekuwa haba. Kwa hiyo, tuna jukumu kubwa sisi kama Wabunge, tuone kweli Muswada huu unakwenda kuwasaidia Wananchi ambao walikwishakata tamaa siku za nyuma.

Mheshimiwa Naibu Spika, nakushukuru. *(Makofi)*

NAIBU SPIKA: Mheshimiwa Susan Lyimo, nakushukuru sana kwa mchango wako. Mheshimiwa Kakoso, atafuatiwa na Mheshimiwa Nkumba. Mheshimiwa Kakoso!

MHE. MOSHI S. KAKOSO: Mheshimiwa Naibu Spika, nashukuru kwa kunipa nafasi hii na mimi niweze kupata nafasi ya kuchangia juu ya Muswada huu.

Mheshimiwa Naibu Spika, Muswada huu ni muhimu kwa ajili ya kuviendeleza Vyama vya Ushirika. Mimi kuna baadhi ya maeneo nayaona yako sawa, mengine tunahitaji kufanya maboresho ili Ushirika uweze kuwa na nguvu.

Mheshimiwa Naibu Spika, kwenye suala la utatuzi wa migogoro, Kifungu Namba 9(a), kinachoipa Tume jukumu la kutatua migogoro katika Vyama vya Ushirika, kitaleta mgongano mkubwa wa kimajukumu. Huwezi kuipa Tume iwe na uhuru isimamie Vyama na kuviteua na iweze kutoa maamuzi. Mimi nilikuwa naomba Muswada huu uunde chombo kitakachokuwa huru, kitakachosimamia migogoro ya Vyama vya Ushirika, kuwe na Mahakama Maalumu. Tukifanya hivi tutakuwa tumewasaidia sana Wanaushirika. *(Makofi)*

Mheshimiwa Naibu Spika, lingine ambalo naishauri Serikali ni kuhakikisha shughuli za Ushirika zisiwe chini ya Sekretarieti ya Mkoa au ya Wilaya. Tunapofanya hivi hatuwasaidii Wanaushirika, mara nyingi shughuli hizi zimekuwa wakifanya Idara ya Ushirika kama Sekretarieti kiasi kwamba, hawawajibiki ipasavyo na hawapati fedha za kutosha.

Nilikuwa naomba Serikali iipe Tume mamlaka huru ambayo Wafanyakazi wa Idara ya Ushirika wawe chini ya Tume. Itawasaidia sana kufanya kazi kwa ukaribu na kuweza kusimamia shughuli za masilahi ya Wakulima hao Wanaushirika. *(Makofi)*

Jambo lingine ni juu ya Kodi, Kifungu cha 68(1)(a) kinachoeleza Vyama vya Ushirika ni vyombo vinavyolenga kukomboa Wananchi masikini, vinahitaji kujengwa katika mazingira ambayo ni safi na ambayo yatawasaidia wakulima hao Wanaushirika.

Mheshimiwa Naibu Spika, sasa hivi Vyama vya Ushirika vinakomolewa kwa kudaiwa ushuru mbalimbali. Leo hii Wanaushirika wanachangia asilimia tano zinazokatwa na Halmashauri za Wilaya. Ni vyema Serikali ikaangalia vizuri Sheria hii upya ili iweze kuwasaidia Wanaushirika. *(Makofi)*

Tunazungumzia eneo moja tu la kuangalia Vyama vingine, lakini bado Halmashauri za Wilaya zinachukua fedha nyingi sana kwa Wanaushirika wanaofanya kazi wao peke yao. Naomba katika eneo hili, Serikali idai ushuru wa asilimia mbili, asilimia tatu, iwarudie Wanaushirika. *(Makofi)*

Tukifanya hivi tutakuwa na mpango maalum wa kuweza kuwasaidia Wanaushirika waweze kutanua na kupata mapato ambayo yatajenga familia zao na kukuza shughuli za Ushirika. *(Makofi)*

Mheshimiwa Naibu Spika, eneo lingine ni juu ya kuvisamehe kodi Vyama vya Ushirika. Sheria ya mwaka 1973 ya Ushirika ilivisamehe kodi Vyama vya Ushirika hasa vile Vyama vya Msingi, lakini Sheria iliyokuja ya Mwaka 2004 ilirudisha kodi, kitu ambacho kinawaumiza sana Wanaushirika kiasi kwamba, wanashindwa kufanya shughuli zao. *(Makofi)*

Serikali ni vyema ikaliangalia upya, ikawatolea mzigo mkubwa Wanaushirika. Unachukulia tu mfano Vyama vinavyoanzishwa vya SACCOS ambavyo vinahitaji kulelewa, lakini vinadaiwa kodi ya asilimia 30. Kitu ambacho kinavivunja nguvu na kuweza kushindwa kujiendesha, matokeo yake ndiyo migogoro tunayoiona ya Wanaushirika

ikizaliwa, wakati na Serikali nayo inachangia kwa kuweka kodi kubwa kwa Vyama hivi. Vyama hivi ni Vyama ambavyo asilimia kubwa vinatoa huduma. Kwa hiyo, ni vizuri Serikali ikaangalia mfumo mzima wa kuvisaidia hivi Vyama viweze kuepukana na mzigo mkubwa wa kodi inayowakabili.

Mheshimiwa Naibu Spika, nilikuwa naomba kwenye suala la uwajibikaji, Vyama vya Ushirika, ukiacha Mkutano Mkuu ambao ndiyo umepewa mamlaka, hakuna sehemu nyingine ambayo inawabana Wanachama. Mara nyingi tunapozungumzia Sheria hii, tunaangalia kwamba, Ushirika unakufa, hatujaangalia matatizo yanaanzia wapi. *(Makofi)*

Kwanza, ni lazima tujikite kuangalia Wanachama ambao wanatengeneza Chama hiki cha Ushirika. Tukiwadhibiti hawa Wanachama tukaweka Sheria itakayowabana, itasaidia sana kujenga Vyama vitakavyokuwa imara. Mara nyingi Vyama vya Ushirika vimekuwa vikiundwa na Wanachama ambao hawana nia thabiti ya kuendeleza Ushirika. Wakiunda Ushirika matokeo yake wanakimbia, wanaviachia Vyama vya Ushirika mzigo mkubwa sana. Naomba eneo hili nalo liangaliwe kwa upana mkubwa sana ili tuweze kujenga sasa Vyama vitakavyokuwa na nguvu.

Mheshimiwa Naibu Spika, eneo lingine ambalo naishauri Serikali ni suala la usimamizi. Eneo hili ni muhimu sana hasa kwenye ukaguzi, Vyama vingi vimeshindwa kujiendesha vizuri kwa sababu ukaguzi umekuwa duni na kushindwa kukaguliwa kwa Vyama, kunasababisha

matokeo mabovu. Serikali inao wajibu mkubwa sana kuhakikisha inaviwezesha Vyama hasa Idara ya Ushirika iweze kupewa zana za kufanyia kazi.

Huwezi kuandaa Vyama vya Ushirika, unahamasisha vitengenezwe, lakini hujaweka vitendea kazi. Leo hii Afisa Ushirika unamtuma aende zaidi ya kilometa 200 kukagua Chama ambapo hana usafiri hata wa pikipiki, ni ngumu sana. *(Makofi)*

Naomba eneo hili mliangalie sana ili tuweze kusaidia Sekta ya Ushirika ya nchini.

Mheshimiwa Naibu Spika, eneo lingine ni mgongano wa Bodi za Mazao na shughuli za Vyama vya Ushirika. Eneo hili hata kama tutatunga Sheria na Sheria, kama hatujatoa kitendawili cha kutenganisha shughuli hizi, hatuwezi. *(Makofi)*

Eneo hili ni muhimu sana kuweza kuangalia shughuli za Bodi za Mazao. Mara nyingi Bodi za Mazao hazina kazi muhimu kama zinazofanywa na Vyama vya Ushirika. Bodi nyingi za Mazao zimetengeneza urafiki na makundi ya Wafanyabishara kuvihujumu Vyama vya Ushirika. Katika eneo hili, msipofanya utafiti wa kina, hatuwezi kupata majawabu ya kuusaidia Ushirika. Ninao mfano wa Bodi ya Tumbaku. *(Makofi)*

Mheshimiwa Naibu Spika, nilisahau mwanzoni ku-*declare interest*, mimi ni Kiongozi wa Ushirika, kwa hiyo, naomba ni-*declare*. Kwenye Bodi ya Tumbaku kuna

matatizo makubwa sana ambayo yanazalishwa na mgongano wa kimasilahi. Karibu Bodi zote za Mazao zinatamani kufanya shughuli zinazofanywa na Vyama vya Ushirika na hapo wamewabeba Wafanyabiasha ambao wanawatuma waweze kufanya hayo ambayo wanatekeleza kwa minajiri ya kusaidia makampuni binafsi. *(Makofi)*

Naomba hilo mliangalie na mfano halisi Mheshimwa Waziri anajua, Mkurugenzi wa Bodi ya Tumbaku, madudu ambayo anayafanya na nakala nilishampa anajua. Kwa hiyo, kuna watu ambao wanajenga hoja binafsi hapa kusaidia wale ambao wanaona kwamba watakuja kufanya shughuli hiyo badala ya Vyama vya Ushirika. Mkihitaji nitoe ushahidi, ninao ninaweza nikawaonesha. *(Makofi)*

WABUNGE FULANI: Toa.

MHE. MOSHI S. KAKOSO: Mheshimiwa Naibu Spika, naomba Mheshimiwa Waziri, ahakikishe anatengeneza mazingira ambayo yatavilinda Vyama vya Ushirika na kuangalia mtiririko mzima wa Bodi za Mazao. Ukiangalia Bodi ya Pamba kuna matatizo makubwa sana, ukienda Korosho kuna matatizo, kwenye Kahawa kuna matatizo, kwenye Pareto kuna matatizo na kwenye Chai kuna matatizo. Zote hizo ni Bodi ambazo zimeundwa na Serikali. Naomba maeneo hayo myaangalie. Mfano halisi, ninapotolea Bodi ya Tumbaku nina ushahidi. Kwanza, Bodi ya Tumbaku, Mkurugenzi anajilipa malipo tofauti na yaliyopangwa na Serikali, anajilipa mshahara mara mbili na Mheshimiwa Waziri anajua. *(Makofi)*

Mkurugenzi wa Bodi ya Tumbaku amepangisha nyumba anayolipa kwa mwezi Dola 1,200, wakati Serikali inatakiwa imlipe Shilingi 800,000 na Waziri anafahamu. Mkurugenzi wa Bodi ya Tumbaku analipwa malipo ya Shilingi 2,000,000 kwa mwezi kwa ajili ya mawasiliano na Mheshimiwa Waziri anafahamu. Kwa hiyo, tunapozungumza kwenye ukweli lazima tuseme yale ambayo ni ya kweli; kuna mgongano wa shughuli za Ushirika na Bodi. *(Makofi)*

Mheshimiwa Naibu Spika, tukitaka kuutengeneza Ushirika wa kweli ni lazima tutengeneze mazingira ambayo yatavisaidia Vyama vya Ushirika ili viweze kuwa hai na viwe na mwongozo mzuri. Ninaomba nishauri kwenye eneo la uteuzi wa Mrajisi, Kifungu Na. 9(2) kinachoelezea kazi za Mrajisi, zikihusisha pamoja na mambo mengine, utekelezaji wa masuala ya Kisheria. Pamoja na vigezo vingine, Mrajisi anatakiwa kuwa na taaluma ya Sheria ya Ushirika. Kwa hiyo, tunapokuwa tunatafuta wale watakaosimamia Ushirika, tunaomba waangaliwe wale ambao watausimamia Ushirika wawe na ujuzi. Vilevile ninaomba kuishauri Serikali ...

NAIBU SPIKA: Samahani, Mheshimiwa Moshi Kakoso, nimemwona Mheshimiwa Vita Kawawa amesimama. Nilidhani alikuwa amesimama kama Mwenyekiti wa Bodi ya Tumbaku. Mheshimiwa Kakoso endelea!

MHE. MOSHI S. KAKOSO: Mheshimiwa Naibu Spika, ninashukuru kwa kunipa fursa ya kuendelea; ndiyo maana

mimi nili-*declare interest* wakati nimeanza kuzungumza, wenzangu waliotangulia hawaku-*decare interest* zao. (Makofi)

T A A R I F A

MHE. VITA R. KAWAWA: Mheshimiwa Naibu Spika, taarifa.

NAIBU SPIKA: Mheshimiwa Kakoso, kuna taarifa.

MHE. VITA R. KAWAWA: Mheshimiwa Naibu Spika, nadhani anakokwenda Mheshimiwa Kakoso, siyo kwenyewe kwamba, wengine hatuku-*declare interest*. Mimi kama Mwenyekiti wa Bodi ya Tumbaku, ukomo wangu ulikwisha tarehe 30 Juni, 2013, kwa hiyo, sikuwa na haja ya ku-*declare interest*. Sitaki kubishana naye hapa, Mheshimiwa Kakoso, ameeleza ana ushahidi, aulete Mezani wa huyo Mkurugenzi wa Bodi ya Tumbaku anayelipwa shilingi 2,000,000 kwa mwezi kwa matumizi ya simu na kama anajilipa fedha zaidi ya kuidhinishiwa.

Mheshimiwa Naibu Spika, ahsante sana. (Makofi)

NAIBU SPIKA: Mheshimiwa Kakoso, hiyo ni taarifa yako.

MHE. MOSHI S. KAKOSO: Mheshimiwa Naibu Spika, ninashukuru kwa taarifa, lakini siikubali, kwa sababu nina uhakika na ninachoongea na aliyeidhinisha hayo yote ni Mwenyekiti wa Bodi ya Tumbaku. (Makofi)

Mheshimiwa Naibu Spika, nimalizie kwa Wajumbe wa Bodi kuteuliwa na Mrajisi. Eneo hili linatakiwa liangaliwe vizuri sana, kwa sababu Wajumbe wa Bodi wakiteuliwa na Mrajisi, wale wanakuwa hawana sauti ya kuwatendea haki Wanachama wao. Ushirika ni chombo cha hiari ambacho kinasimamia Wanachama wenyewe; ni vyema wakachaguana wao wenyewe ili waweze kutenda haki. Kazi ya Mrajisi ibakie kusimamia na kuviendeleza Vyama vya Ushirika ili viweze kukua na kufanya kazi ambayo itakuwa na manufaa kwa ajili ya kuwasaidia Wanaushirika. *(Makofi)*

Muundo wa Ushirika kama ilivyo katika Kifungu Nambari 20, ubakie vilevile kama ulivyokuwa kwenye Sheria iliyopita; yaani Chama cha Msingi na Shirikisho na Ngazi ya Kati na *Union*.

(Hapa kengele ililia kuashiria kwisha kwa muda wa mzungumzaji)

NAIBU SPIKA: Ahsante sana Mheshimiwa Kakoso.

Mheshimiwa Kakoso, kama kweli yale uliyokuwa unayasema una ushahidi nayo kama ulivyodai, basi bado Meza iko wazi wakati wowote unaweza ukaleta mbele hapa. Ni taarifa au nini; nimemwona Mheshimiwa mmoja amesimama pale?

MHE. JUMA S. NKAMIA: Mheshimiwa Naibu Spika, taarifa.

NAIBU SPIKA: Endelea.

T A A R I F A

MHE. JUMA S. NKAMIA: Mheshimiwa Naibu Spika, tuhuma zilizotolewa na Mheshimiwa Moshi Kakoso, dhidi ya aliyekuwa Mwenyekiti wa Bodi, ambaye amesema sasa hivi siyo Mwenyekiti wa Bodi tena ni nzito. Kwa hiyo, ningeliomba Bunge lako Tukufu lipate ushahidi huo, kwa sababu ni tuhuma nzito kweli. Ninashukuru. *(Makofi)*

NAIBU SPIKA: Bahati mbaya hoja yako imeungwa mkono na Mheshimiwa Tundu Lissu peke yake. Mheshimiwa Tundu Lissu, nimekuona umesimama, kwa muda mfupi sana. *(Kicheko/Makofi)*

MHE. TUNDU A. M. LISSU: Mheshimiwa Naibu Spika, nimesimama siyo kuunga mkono hoja ya Mheshimiwa Juma Nkamia, ninaomba uhakikishe Kanuni za Bunge lako Tukufu zinafuatwa. Utaratibu wa kutoa Taarifa uko kwenye Kanuni ya 68, Fasili ya (8). Taarifa inatolewa wakati Mbunge mwingine anasema, Mbunge akishakaa haiwezi ikawa Taarifa, haiwezi ikawa Kuhusu Utaratibu, hilo litakuwa ni jambo lingine. Kwa hiyo, Taarifa ya Mheshimiwa Juma Nkamia ni kitu kisichojulikana katika Kanuni zetu. *(Makofi)*

Jambo la pili, ni kwamba, kama kuna yeyote anayefikiri kwamba, alichokisema Mheshimiwa Moshi Kakoso, siyo cha kweli kinahitaji uthibitisho, alipaswa aseme kuhusu utaratibu, hiyo kauli inayotolewa siyo ya kweli. Athibitisha ukweli wake,

halafu Mheshimwia Moshi Kakoso, aambiwe thibitisha ulichokisema. Huu utaratibu wa kumwambia alete ushahidi wakati hamjasema amedanganya ni utaratibu ambao unaweza ukawepo kwenye vitu vingine lakini siyo kwenye Kanuni za Bunge hili Tukufu. *(Makofi)*

Mheshimiwa Naibu Spika, ninashukuru. *(Makofi)*

NAIBU SPIKA: Niseme tu kwamba, tunavyoendesha kikao ni sahihi kabisa, hakuna jambo lolote lililokosewa. Taarifa imetolewa na Mheshimiwa Vita Kawawa kwa Mheshimiwa Moshi Kakoso, aliyekuwa akiongea na taaria aliyompa ni kwamba, kama una ushahidi huo uweke Mezani. Sidhani kama kuna kosa katika hilo. Kwa hiyo, kampa *liberty* hiyo, kama kweli ana uhakika na mambo hayo na mimi nikamkumbusha mwisho kwamba, kama jambo unaloliongea ni kweli, maana Wabunge tunayo kawaida wakati mwingine wa kujisemea mambo, basi lete hapa.

Kuhusu Mheshimiwa Juma Nkamia, alisimama wakati bado Mheshimiwa Moshi Kakoso anaongea na mimi nilimpa nafasi mwisho kwa sababu yule alikuwa anamalizia, hakusimama baada ya mwenzake kukaa, hapana; walikuwa wamesimama wote sambamba. *(Makofi)*

Tunaendelea, tusipoteze muda kwenye hili. Mheshimiwa Said Nkumba, atafuatiwa na Mheshimiwa Moses Machali.

MHE. SAID J. NKUMBA: Mheshimiwa Naibu Spika, kwanza, ninaomba nichukue nafasi hii kusema kwamba, kabla sijaendelea huko mbele, nianze kuunga mkono Muswada huu ulio mbele yetu. Ninaomba niseme kwamba, tuko hapa kutunga sheria, pia tuko hapa katika kuhakikisha kwamba, Wananchi wetu tunaowawakilisha, Wanaushirika wetu tunaowawakilisha, ambao wamekumbwa na matatizo makubwa ya Ushirika, chini ya Sheria ya mwaka 2003, sasa tuboreshe Sheria ile ili tuondoe mianya ambayo imeufanya Ushirika ukose mshiko na imeufanya Ushirika kwa sasa ukose kuaminiwa. *(Makofi)*

Mheshimiwa Naibu Spika, ninataka niseme wazi kwamba, Serikali katika kuuleta Muswada huu kwa muda huu, nina hakika kabisa, yako ambayo ni ya msingi yatajadiliwa hapa na Waheshimiwa Wabunge, yataongezewa nyama ili kuuimarisha Muswada huu utakapokuwa Sheria ufanye kazi vizuri. Mimi ninaishukuru Serikali kwamba, imeuleta Muswada huu kwa wakati mwafaka. *(Makofi)*

Mheshimiwa Naibu Spika, ninaomba nianze kwa maelezo ya Kambi ya Upinzani na maelezo ya baadhi ya Waheshimiwa Wabunge hapa. Yako maelezo yaliyotolewa kuhusu uhuru; kuna madai kwamba, Ushirika wetu ni vizuri ukaendelea kuwa huru. Jambo hili linanishangaza; tuko hapa, kila Mheshimiwa Mbunge anayesimama anazungumzia suala la ubadhirifu na wizi. Hii ni Serikali ambayo imeaminiwa na Wananchi, imechaguliwa na Wananchi wa Tanzania. Haiwezikani kuwa na Ushirika, ambao unajiendesha unawaibia watu, halafu Serikali ikae

kimya tu iangalie. Kwa hiyo, uundwaji wa Tume hii ni jambo la msingi na utasaidia sana kudhibiti watu ambao wanaingia kwenye Ushirika kwa masilahi yao, kwa masilahi ya kuwaibia Wanaushirika. *(Makofi)*

Mheshimiwa Naibu Spika, ninaomba nizungumzie maelezo machache ambayo Mheshimiwa Kakoso alikuwa anajibishana na Mheshimiwa Kawawa. Tulipokuwa Dar es Salaam na Mheshimiwa Kakoso, haja-*declare interest* vizuri, yeye siyo Kiongozi tu wa Ushirika, yeye ni Mwenyekiti wa APEX, hii ambayo tunasema hapa ifutwe. *(Makofi)*

Mheshimiwa Naibu Spika, tulipokuwa Dar es Salaam kwenye Kamati, Katibu wake Mheshimiwa Kakoso, aliitwa kwenye Kamati kama Wadau wengine na kwenye maelezo yake alisema kama ifuatavyo:-

Ninataka niwaambie Waheshimiwa Wabunge muelewe hili, akasema kama alivyosema Mheshimiwa Kakoso kwamba; “Kwenye Halmashauri zetu huko, huko Serikalini, mnaiba fedha nyingi sana, sisi tukiiba kidogo tu, mnapiga kelele.” Haya ni maelezo ya Katibu wa Mheshimiwa Kakoso. *(Makofi)*

Mheshimiwa Naibu Spika, kwa Mkoa wa Tabora zimeibiwa fedha karibu shilingi 16,000,000,000. Hivi kwenye ninyi Mheshimiwa Kakoso na yule aliyesema; kwenu fedha nyingi ni kiasi gani maana kama shilingi bilioni 16 ni fedha ndogo; fedha nyingi ni kiasi gani? *(Makofi)*

WABUNGE FULANI: Taarifa.

NAIBU SPIKA: Waheshimiwa Wabunge, ninawaombeni sana, ili mjadala huu uwe na maana, tupeane nafasi ya kusikiliza michango ya Wabunge. Ninawaombeni sana, pale mwishoni nitatoa dakika chache, mwenye chochote basi anaweza akasema.

Mheshimiwa Nkumba, endelea!

MHE. SAID J. NKUMBA: Mheshimiwa Naibu Spika, bado nitaendelea kumtetea mnyonge, mkulima, bado nitaendelea kumtetea Mwanachama anayewekeza fedha zake katika mitaji mbalimbali ya Ushirika ili fedha zake ziendeleo kulindwa. Hatuwezi kuwaachia watu wachache wanajitajirisha, watu wachache wanaingia kwenye Ushirika kwa ajili ya kuwaibia watu na Serikali ikae kimya. (*Makofi*)

Mheshimiwa Naibu Spika, kuhusu Muundo wa Ushirika; mimi ninaunga mkono kabisa maelezo ambayo yametolewa na Kamati. Vilevile ninaunga mkono kwa asilimia 100 maelezo ambayo yataletwa na Serikali. Vyama hivi vya Msingi vinafanya kazi kubwa tuviimarishe. Vinaweza vikajiunga kwenye *Union*, kwa maana ya Vyama Vikuu, lakini mwishoni vinaweza vikajiunga kwenye Shirikisho.

Mheshimiwa Naibu Spika, hiki chombo kinachoitwa *APEX*, hakifanyi kazi yoyote. Kimekaa pale kinafanya kazi ambazo zinaweza zikafanywa na Chama Kikuu na Chama cha Msingi. Hatuwezi kuendelea kuwa na vyombo vinavyoongeza mzigo kwa mwananchi, mkulima wa kawaida. Tunaongeza mzigo, fedha ambazo angeliweza

kuzipata zikaongeza shughuli zake za kiuchumi, kusomesha watoto, kujenga nyumba, zinawalipa watu wa *APEX*! Ninaunga mkono kufutwa kabisa kwa hii ngazi ya *APEX*, pamoja na Viongozi wake wote, akiwemo Mheshimiwa Kakoso. *(Kicheko/Makofi)*

Mheshimiwa Naibu Spika, kuhusu mgongano wa masilahi; kila aliyesimama hapa amesema kwamba, Ushirika wetu umeharibika kwa sababu ya kuingiza siasa. Siasa inaweza ikaingizwa kwa namna mbili; kwanza, kwa kuweka vyombo ambavyo vinakwenda moja kwa moja kwenye Ushirika; vilevile Viongozi wengi wa Kisiasa wakiwemo ndani ya Ushirika ni lazima Ushirika uharibike. Kwa hiyo, ninaunga mkono maelezo yaliyotolewa ya kuwaomba wale ambao wana tamaa ya kwenda kwenye Ushirika, wakakae kwenye Ushirika na wale ambao wanataka kukaa kwenye siasa wabaki kwenye siasa. Huwezi kupanda farasi wawili na mwendo ukawa mzuri, labda unajitafutia ajali tu; ni kama ajali hizi ambazo zipo sasa.

Mheshimiwa Naibu Spika, maeneo mengi ukienda unakuta Viongozi wa Ushirika ndiyo Madiwani, Viongozi wa Ushirika ndiyo Wabunge, Viongozi wa Ushirika ndiyo Wenyeviti wa Vyama vya Siasa wa Ngazi ya Wilaya na ngazi za Mikoa, halafu ubadhirifu unajitokeza. Ukijitokeza ubadhirifu, Diwani ni kiongozi pale, Mbunge ni kiongozi pale, hatuwezi kwenda katika utaratibu wa namna hii; na hawa kwa sababu wana kinga zao za kisiasa, wana nafasi mbalimbali za kukutana na watu kuingia yale maovu waliyonayo, wanafka mahali Wanaushirika wanaendelea kuilalamikia Serikali ya Chama cha Mapinduzi.

Sijaona Kiongozi hata mmoja wa *APEX* au wa *UNION* kwenda kusikiliza malalamiko ya Wanaushirika huko. Kilichobaki sasa hivi ukienda Mbunge unaambiwa matatizo ya Ushirika, akienda Mkuu wa Wilaya anaambiwa matatizo ya Ushirika, Waziri matatizo ya Ushirika na Waziri Mkuu matatizo ya Ushirika, wakati wenyewe hawa wamekaa ofisini wanakula; hapana. *(Makofi/Kicheko)*

Wanavyotaka sasa, kama anachagua kuingia kwenye siasa, abaki kwenye siasa, Ushirika tuwaachie Wanaushirika wenyewe walioko huko vijijini wanaoweza kujiunga pamoja, wafanye kazi pamoja. Hivi Mbunge wewe unaenda kijijini utagombea na Wananchi wa kawaida kule si utashinda kila siku tu! *(Makofi)*

Mheshimiwa Naibu Spika, mimi ninasema, haya mapendekezo ninayaunga mkono kwa asilimia mia moja. Wanasiasa kaeni pembeni, waacheni watu waimarishe Ushirika wao, wao wenyewe.

Mheshimiwa Naibu Spika, mwisho, ninaomba nimalizie kwa kuitoa hofu Serikali; haya maelezo ya kwamba Ushirika katika Sheria hii utakuwa unaingilia, hatuwezi kuwa na wigo wa watu wachache wanaokaa wamejiwekea wigo kwamba hatuingiliwi, halafu wao kwa utaratibu walionao wanaendelea kulala na kuwanyanyasa wale ambao wanawaongoza. *(Makofi)*

Mheshimiwa Naibu Spika, Serikali kupitia Tume hii, nina hakika tutafanya kazi nzuri na bahati nzuri sana mimi ni

mmoja wa Wajumbe wa Kamati hii, nimeona kazi za Tume, lakini kwa namna moja ama nyingine, manufaa makubwa ni kurejesha yale mambo ambayo tunayatarajia, kurejesha imani kubwa kwa Wanaushirika, kurejesha Wanaushirika, kila jambo wanalolifanya liwe na manufaa. *(Makofi)*

Mheshimwia Naibu Spika, ninaomba nimalizie, Wakulima wetu Tanzania, Wanaushirika wetu Tanzania, wameibiwa sana.

Ninaomba nitumie fursa hii na Wanaushirika na Wakulima huko wananisikia, nitumie nafasi hii kusema lazima wapatikane watu wanaosema sasa Ushirika, habari ya kuibiwa basi. Nasi Waheshimiwa Wabunge, kwa niaba ya Wananchi, lazima tufike mahali tuseme wizi sasa ndani ya Ushirika basi. *(Makofi)*

Mheshimiwa Naibu Spika, baada ya maelezo hayo, ninaunga mkono hoja. Ahsante sana. *(Makofi)*

NAIBU SPIKA: Ahsante sana Mheshimiwa Said Nkumba, kwa mchango wako. Kama nilivyosema, anayefuata ni Mheshimiwa Moses Machali, naye atafuatiwa na Mheshimiwa Tundu Lissu na Mheshimiwa Charles Mwijage ajiandae.

MHE. MOSES J. MACHALI: Mheshimiwa Naibu Spika, nakushukuru kwa kunipa nafasi hii name niweze kuchangia katika Muswada huu unaohusiana na ushirika hapa nchini. Naomba nianze kwa kunukuu Katiba ya Jamhuri ya

Muungano wa Tanzania Ibara 20(1) na kifungu kidogo cha (4) na kisha nitajielekeza kwenye Muswada moja kwa moja.

Mheshimiwa Naibu Spika, kifungu kidogo cha kwanza cha Ibara ya 20 kinasema maneno yafuatayo: “Kila mtu anao uhuru wa kukutana na watu wengine kwa hiari yake na kwa amani, kuchanganyika kushirikiana na watu wengine, na kwa ajili hiyo kutoa mawazo yake hadharani na kuanzisha na kujiunga na vyama au mashirika yaliyoanzishwa kwa madhumuni ya kuhifadhi au kuendeleza imani au maslahi yake au maslahi mengineyo.”

Kifungu kidogo cha (4) katika Ibara ya 20, kinatuambia kwamba itakuwa ni marufuku kwa mtu yeyote kulazimishwa kujiunga na chama chochote au shirika lolote au kwa chama chochote cha siasa kukataliwa kusajiliwa kwa sababu tu ya itikadi au falsafa ya chama hicho.

Mheshimiwa Naibu Spika, nirudi kwenye Muswada wetu. Ukienda katika Ibara ya 32(5)(c) ya Muswada ambao umewasilishwa na Wizara ya Kilimo, Chakula na Ushirika, unakutana na Ibara ya 30(5)(c) ambayo inaweka *restrictions* kwa wananchi kutoruhusiwa kuanzishwa kwa vyama viwili au zaidi vya ushirika katika eneo moja. Jambo hili naomba niseme ni mtazamo ambao kwa kweli utakuwa hauna tija katika maeneo mbalimbali ya nchi yetu. (*Makofi*)

Mheshimiwa Naibu Spika, uanzishwaji wa Vyama vya Ushirika hauna tofauti na uanzishwaji wa Makampuni na Taasisi mbalimbali hapa nchini. Kwa mfano, tunaweza tukatoa mifano ya mabenki. Benki mbalimbali zimeanzishwa

na zikasajiliwa na zikaruhusiwa ziweze kufanya kazi kwenye eneo moja. Hakukuwa na hizi *restrictions* ambazo sasa zinajitokeza kwenye uanzishwaji wa Vyama vya Ushirika. Tujiulize, kama benki ambazo zina-*perform the same responsibilities*, zimeruhusiwa kuweza kuanzishwa na kutekeleza majukumu yake kwenye eneo moja la kiutawala, iweje leo Vyama vya Ushirika ambavyo vinaweza vikawa na malengo aidha yanayofanana au tofauti, visiruhusiwe kuanzishwa kwenye eneo moja la kiutawala? Hii ni kuwanyima uhuru wananchi. Ndiyo nasema kwamba *this is unconstitutional* kwa mujibu wa kifungu cha Ibara ya 20(1) na kifungu kidogo cha (4). (*Makofi*)

Mheshimiwa Naibu Spika, uhuru wa watu wa kuamua wajiunge au washirikiane na vyama mbalimbali au mashirika ni suala ambalo limeainishwa katika Katiba yetu. Sasa na-*propose* kifungu hiki kiondolewe mara moja. Kifutwe kabisa! Waziri unisikilize kwa makini. Hiki kifungu nenda kakiondoe! *This is unconstitutional!* Hiki kifungu kakiondoe. (*Makofi*)

Yapo makampuni, wote ni mashahidi, Waheshimiwa Wabunge tunatoka kwenye Halmashauri mbalimbali kule. Makampuni yamesajiliwa yanafanya kazi za aina moja; kama ni ujenzi, twende pale Kasulu; nenda hata katika Halmashauri nyingine, makampuni ambayo yanafanya kazi za aina moja, tofauti ni majina tu. Lngine unaweza ukasikia ni *Job Ndugai Company Limited*, nyingine utasikia ni *Machali Company Limited*, nyingine utasikia ni *Chiza Company Limited*, lakini yote labda ni makampuni ya ujenzi, yanafanya kazi katika eneo moja. Iweje kwenye Vyama vya

Ushirika tunakuja ku-*restrict* watu wasiruhusiwe kuanzisha Vyama tofauti vya Ushirika?

Mheshimiwa Waziri nenda kafute hiki kitu, hakikubaliki hata kidogo, ni kuminya uhuru wa watu wa kuamua washirikiane na nani na wasishirikiane na nani. Ni kinyume kabisa na matakwa ya Katiba kifungu kidogo cha kwanza na kifungu kidogo cha nne. Nenda kasome kuhusu uhuru wa watu wa kuamua. Futilia mbali kifungu hiki! (*Makofi*)

Mheshimiwa Naibu Spika, lakini vilevile ukijaribu kwenda kuangalia juu ya kuanzishwa kwa hii *commission* ambayo itashughulikia ushirika hapa nchini; juzi tumepitisha pia Muswada ambao ulikuwa unahusiana na masuala ya umwagiliaji. Wizara ya Kilimo, Chakula na Ushirika imekuja na *style* ambayo naiona sasa kila kitu ni Tume, umwagiliaji ni Tume. Leo wameleta masuala ya ushirika tena, ni Tume. Hizi *commission*, kwa hiyo imekuwa ni Wizara ya *Commission!* Kuna nini huku Kilimo? Hebu mtusaidie!

Ukienda kuangalia kwenye kile kifungu cha saba kwenye masuala ya *establishment of the Commission*, kuanzishwa kwa Tume, nenda kwenye kifungu cha (8) juu ya *composition of the Commission*, nenda kwenye kifungu cha (9) juu ya *functions of the Commission*, utakuja kuona kwamba hakuna jambo ambalo ni jipya katika masuala haya. Leo itaonekana hii inaitwa Tume, halafu jana sijui ilikuwa inaitwa ni kitu gani!

Mheshimiwa Naibu Spika, kama itakuwa Bunge lako linatumika, kwamba watu tu huko Wizarani wakijisikia

wanakaa wanasema tuanzishe Tume. Hapa nakuwa na mashaka kidogo!

Mheshimiwa Naibu Spika, nimejaribu kuangalia kwa mfano kwenye kifungu hiki cha (9) kuanzia kifungu cha kwanza mpaka cha mwisho, juu ya *functions* za *Commission*; ukienda kwenye Ibara ya 9(2)(vi), naomba ninukuu. Inasema: "*collaborate with regular administrative secretaries on the implementation of the regulatory functions of cooperative development*" na bado kuna vifungu vingine ukiendelea huko mbele wanasema kwamba watashirikiana sijui na *Local Government!* Viko vifungu kote huku! Katika Ibara ya 9(2)(b) kifungu kile cha moja ya kirumi kinasema kwamba *for the purposes of promoting development of cooperative society*, wanasema kwamba Tume itakuwa na jukumu la *ku-supervise, to coordinate and collaborate with sectoral Ministries, Local Government Authorities and such other stakeholders undertaking cooperative promotional responsibilities.*

Mheshimiwa Naibu Spika, pamoja na kwamba hii Tume inakwenda kuanzishwa, hii Tume ambayo Wizara wameona kwamba ni *big deal* au ni kitu ambacho kitaonekana ni *exceptional*, bado hii Tume inataka kuendelea kutumia utaratibu ule ule ambao umekuwa wakati mwingine Wizara moja na Wizara nyingine zinashirikiana. Ningeomba wakati Waziri atakapokuwa anakuja sasa kuhitimisha hoja yake atueleze kama hii Tume anataka iwe *independent*, itakuwa na tofauti gani kama bado inataka kuendelea kutegemea *Local Government* ikiwa ni pamoja na vyombo vingine vya kimamlaka ndani ya nchi yetu?

Mheshimiwa Naibu Spika, hapo ndipo ambapo nakuja kusema kwamba Wizara hii imekuja na *style* ya pekee. Vinginevyo ni vyema mngeonesha kuanzisha juu mpaka chini kwamba hii Tume itakuwa *independent* ku-*execute* majukumu yake pasipokuja tena kuanza kubebesha mzungo kwenye *Regional Secretariat*, pamoja na *Local Government Authorities* kwa maana ya Halmashauri. Bado hakuna tofauti kubwa sana na *current situation* ya Halmashauri zetu ambapo kuna Maafisa Ushirika ambao wamekuwa wanafanya kazi ambazo zinaonekana bado ushirika unalegalega. Kwa hiyo, kuanzishwa kwa Tume naona kama imekuwa ni *style* yenu. Kwa kweli mna haja ya kuweza kuangalia upya suala hili.

Mheshimiwa Naibu Spika, ukija kuangalia, hivi sasa hali ya ushirika hapa nchini inasikitisha sana. Imefika hatua wananchi wamekata tamaa, hawataki kujiunga au kuanzisha Vyama vya Ushirika kwa sababu sehemu kubwa ni wizi mtupu! Umesikiliza hapa hata baadhi ya Waheshimiwa Wabunge ambao wana taarifa za wizi wizi kana kwamba Serikali haipo. Wizara mmekuwa mnapewa taarifa, wakulima wamedhulumiwa kwenye Vyama vyao vya Ushirika, Wizara mmeshindwa kuchukua hatua. (*Makofi*)

Mheshimiwa Waziri, wewe unafahamu kule kwetu Kasulu hasa huko kwenye upande wa Tumbaku, watu wamedhulumiwa; Mheshimiwa Mbunge wa Jimbo la Kasulu Vijijini tumeshirikiana, tumekupa taarifa Mheshimiwa Malima, unatambua aliyekuwa Mwenyekiti wa Bodi, Mheshimiwa Vita Kawawa, mnatambua mambo haya. Lakini fedha

ambazo walipaswa kulipwa wakulima toka mwaka wa kilimo, msimu wa mwaka 2010/2011 hawajalipwa mpaka leo na taarifa mnazo. Hii Tume inakuja kufanya kitu gani kama siyo wizi mtupu? Ni wizi mtupu! Hivi vyote mnaanzisha, hakuna kitu! Ni kama mme-*paralyse* kabisa kwamba hamna namna nyingine, mmeshindwa kufikiri. Nendeni mka-*solve* kwanza matatizo haya ya watu, mtueleze! (*Makofi*)

Mheshimiwa Waziri tuambie, wale waliuza tumbaku yao kwenye Vyama vya Ushirika na tulishakutaarifu; umechukua hatua gani mpaka leo? Hii fedha za msimu wa kilimo wa 2010/2011 wakulima wale hawajalipwa, wamedhulumiwa mpaka leo. Umechukua hatua gani? Mmefanyia nini? Badala yake leo mnatuletea Tume, kesho tutasikia mnakuja tena na jina lingine. (*Makofi*)

Mheshimiwa Naibu Spika, kwa kweli Bunge lifike mahali haya mapendekezo mengine ya kuanzisha vitu vya ajabu ajabu ambavyo ukiangalia *administratively* bado vina sura ile ile kama ilivyokuwa; hapa ni jina tu, 'Tume' lakini sitegemei kuona kwamba kutakuwa kuna mabadiliko yoyote.

Mheshimiwa Naibu Spika, nihitimishe kwa kusema, suala la kuzuia wananchi kutoruhusiwa kuanzisha Vyama vyao huru vya Ushirika, hiki kifungu cha 32 kifuteni kwenye Muswada wenu kwa sababu ni *unconstitutional*.

Mheshimiwa Naibu Spika, nakushukuru, ahsante. (*Makofi*)

NAIBU SPIKA: Ahsante sana. Nakushukuru sana Mheshimiwa Machali.

Naomba Waheshimiwa wote ambao *strongly* wanafikiri kwamba vifungu fulani fulani vifanyiwe marekebisho, basi ni vizuri waka-*move amendment* mapema, wakafikisha kwenye Ofisi ya Katibu wetu ili kesho wakati wa kupitia sheria, tuwe tuna kitu Mezani na mapendekezo ambayo yameshaandikwa mapema na Serikali wameshayaona na kuyafikiria kama: Je, wayachukue au wasiyachukue?

Sasa namwita Mheshimiwa Tundu Lissu, atafuatiwa na Mheshimiwa Charles Mwijage.

MHE. TUNDU A. M. LISSU: Mheshimiwa Naibu Spika, nashukuru kwa kunipa fursa ya kuchangia kwenye Muswada huu muhimu sana.

Mheshimiwa Naibu Spika, kama wiki mbili hivi zilizopita nilikuwa Bukoba kushughulikia masuala ya Rasimu ya Katiba. Nililala mahali panaitwa *Coffee Tree Inn*, iko Bukoba Mjini. *Coffee Tree Inn* ni hoteli iliyojengwa na Chama kilichokuwa kinaitwa *BAHAYA Cooperative Union* miaka ya wakati wa ukoloni. Ikanikumbusha kwamba ukienda Mji wa Moshi kuna hoteli nyingine inaitwa *Coffee Tree Hotel*, au wengine wanaiita *KNCU Hotel*, nayo ilijengwa na *Kilimanjaro Natives Cooperative Union*. Kinachoitwa Chuo Kikuu cha Ushirika na Masomo ya Biashara *MUCOS* zamani kinaitwa Chuo cha Ushirika Moshi, kilijengwa na *KNCU*, na ndio waliojenga hospitali ya Mawenzi.

Kuna Chuo cha Utafiti wa Kahawa ya Lyamungo na *infrastructure* nyingine nyingi, miundombinu mingine mingi ambayo ilijengwa na Vyama vya Ushirika wakati wa ukoloni. Ukienda Mwanza, leo limechakaa sana; lakini wakati linazinduliwa lile jengo linalotazamana na jengo la Ofisi CCM ya Mkoa wa Mwanza, jengo la Nyanza lilijengwa na Nyanza *Cooperative Union* miaka mingi. Ukienda kule juu pameandikwa 1959. Vyama vya Ushirika vilifanya mambo makubwa sana katika nchi yetu. (*Makofi*)

Mheshimiwa Naibu Spika, baada ya uhuru, mporomoko ulianza, wizi ulianza, na leo kila Mbunge anayesimama hapa anazungumza habari ya wizi.

Mheshimiwa Naibu Spika, kuna kijitabu kilichapishwa mwaka 1985, Mhariri wake ni Prof. Issa Shivji, kinaitwa *The State and the Working People in Tanzania*. Kuna *chapter* kwenye hicho kitabu imeandikwa na Dkt. Aggrey Mlimuka inazungumzia habari ya ushirika na inaelezea wapi tulianza kuharibikiwa? Kwanini leo ushirika ni wizi mtupu? Kwanini uliweza kufanya yote ambayo yalifanyika miaka ya ukoloni? Majibu ni rahisi sana. Jibu ni udhibiti wa dola. Udhibiti wa Serikali. Serikali kuingilia ushirika na kunyakua mamlaka ya washirika kwa kutumia sheria iliyounda ofisi, zamani inaitwa Ofisi ya Msajili wa Ushirika, leo kwenye Muswada huu inaitwa Mrajisi. Ni mambo yale yale.

Vyama vya Ushirika katika nchi yetu vya miaka ya 50, tukisoma historia ya nchi hii, wengi hatuielewi. Nyanza *Cooperative Union* ndiyo iliyotoa pesa zilizompeleka

Mwalimu Nyerere United Nations mwaka 1957. Zilizotolewa pesa na Mzee John Rupiya, *Nyanza Cooperative Union* ya Paul Bomani wakasema tutamrudishia; Mwalimu nenda kapiganie uhuru UN. Wakati TANU imepigwa marufuku kufanya kazi ya siasa Kanda ya Ziwa mwaka 1958, *Nyanza Cooperative Union* iliyosema kazi ya TANU tutaifanya sisi na waliifanya! Vyama vya Ushirika vya nchi yetu ilikuwa ukiangalia wanafunzi wa historia hii wanasema, Tanganyika ilikuwa na *the most powerful cooperative movement in the entire continent of Africa*.

Mheshimiwa Naibu Spika, lakini baada ya uhuru, dola ikaanza kuvuruga mambo. Kuanzia mwaka 1966, Sheria za Ushirika zikaanza kubadilishwa na kumpa Msajili wa Vyama vya Ushirika mamlaka ya kuvidhibiti, mamlaka ya kuamua nani aandikishwe na nani asiandikishwe, nani aajiriwe na nani asiajiriwe, utaratibu wa kifedha uendeshweje; mamlaka ambayo zamani yalikuwa ya washirika wenyewe yakachukuliwa na warasimu wa Serikali.

Baadaye mwaka 1976 vikapigwa marufuku kabisa, tukaletewa Bodi za Mazao. Sasa ziliporudishwa mwaka 1982 havikuwa Vyama vya Ushirika vya wakulima tena kwa sababu vilidhibitiwa moja kwa moja kutokea Dar es Salaam kwa kutumia Ofisi ya Msajili wa Vyama vya Ushirika na kwa kutumia uongozi wa Vyama vya Ushirika uliokuwa unateuliwa kutoka Dar es Salaam na Waziri au Rais au nani, lakini sio na washirika wenyewe. Ndicho kilichoua ushirika, kuwanyang'anya washirika Vyama vyao na kuviweka kwenye mikono ya dola, kuviweka kwenye mikono ya warasimu ambao hawana maslahi yoyote kwenye kilimo,

wana maslahi ya kula pato la wakulima. Ndiyo maana ya wizi huu ambao haujakwisha na hauwezi ukaisha kwa Muswada huu.

Mheshimiwa Naibu Spika, kwa sababu pendekezo kubwa kabisa la Muswada huu ukiacha yote, liko kwenye aya ya nane, na ya tisa. Aya ya nane, Tume; na ya tisa, majukumu yake. Kusajili au kufuta Vyama vya Ushirika, mamlaka yale ambayo yanatakiwa yawe ya wakulima ya kuwadhibiti watumishi wa Vyama vya Ushirika, yanabaki kwenye mikono ya warasimu wa Serikali. Hatujabadilisha chochote! Tumebadilisha kitu kinaitwa *nomenclature*, lugha. Mrajisi ni jina wanatumia Zanzibar. Kwetu tulikuwa tunaita Msajili. Unaita Mrajisi leo ili uonekane kwamba umefanya mabadiliko makubwa sana, lakini ni kitu kile kile!

Mheshimiwa Naibu Spika, zamani, mamlaka ya kusajili na kufuta Vyama vya Ushirika kuanzia mwaka 1966 yalikuwa ni mamlaka ya Msajili wa Vyama vya Ushirika.

Muswada uliopo mbele yako unapendekeza mamlaka hayo ya kufuta vyama yawe kwenye Tume ya Ushirika. Tume ya Ushirika ni yanani? Ni ma- *bureaucracy* wale wale! Wateuliwa wa Rais, wateuliwa wa Waziri; maana yake ni kwamba kile kilichosababisha anguko la Vyama vya Ushirika katika nchi yetu, halijatafutiwa ufumbuzi.

Serikali na udhibiti wake wa wakulima kwa kutumia Bodi za Mazao na kwa kutumia udhibiti kwa Mamlaka ya kufuta Vyama ndiyo tatizo. *Get the Government out of the way*. Tumeondoa Serikali katika kuendesha shughuli nyingi

za kiuchumi, tumesema Serikali isiwe tena inajingiza kwenye biashara. Biashara kubwa katika nchi hii, ni biashara ya kilimo ya wakulima. Kama wakulima wanaunda Vyama vya Ushirika, *they should be left alone*. Serikali ndiyo tatizo.

Mheshimiwa Naibu Spika, kwa Muswada huu kama nilivyosema, tatizo linabaki pale pale. Nani ana mamlaka ya kuondoa wezi katika Vyama vya Ushirika? Siyo wanachama, ni Msajili au Mrajisi kwa msamiati mpya, au Tume. Nani mwenye mamlaka? *Ultimately* ni Serikali. Wakulima wataendelea kunyonywa, wataendelea kukopwa mazao yao kwa sababu hawana udhibiti tena wa maisha yao.

Mheshimiwa Naibu Spika, sasa la mwisho, ni kwamba kama tunaendelea na utaratibu huu ambao wazalishaji hawana *control*, maana yake ni kwamba tutaendelea na utaratibu wa miaka 50 wa wizi wa fedha za wananchi. *(Makofi)*

Mheshimiwa Naibu Spika, nimalizie tu kwa kusema kwamba Mheshimiwa Machali amesema, Tume, Tume, Tume, imekuwa ni *fashion*. Kila kitu kitatuliwa na Tume! Ni ma-*bureaucracy* tu. Wanateuliwa na Waziri, wanateuliwa na Rais, hawana maslahi yoyote na wakulima, watakula hela za wakulima, watawakopesha mazao yao, tatizo litaendelea kuwa hivyo. *(Makofi)*

Mheshimiwa Naibu Spika, nilitaka nilizungumze hayo tu. Nashukuru sana. *(Makofi)*

NAIBU SPIKA: Ahsante sana Mheshimiwa Tundu Lissu. Namwita Mheshimiwa Charles Mwijage, atafuatiwa na Mheshimiwa Susan Kiwanga.

MHE. CHARLES J. MWIJAGE: Mheshimiwa Naibu Spika, nakushukuru kwa kunipatia nafasi ya kuchangia Muswada wa Ushirika. Mimi Ushirika naujua, umenilea. Mazungumzo ya watu wengi yaliyokuwa yakitoka hapa yalikuwa yananita machozi nikiikumbuka *BCU*. Ningekuwa inaandika *title* ya hotuba yangu, ningeiita *the dilemma* niweze kuwaeleza Wabunge wenzangu kwa nini naiunga mkono Serikali. Sasa Serikali iingie kwenye shughuli isimamie Ushirika, ni kwa sababu ya *the dilemma*. (*Makofi*)

Mheshimiwa Naibu Spika, naunga mkono Muswada huu na nina mambo ambayo pamoja na kuunga mkono ningependa nimweleze Mheshimiwa Waziri au niambie Serikali yangu kwamba, nazungumza nikiwa najua *BCU*. Ili Ushirika ufanikiwe, lazima jitihada zifanyike kwamba Ushirika wetu ulenge masoko, ulenge bei nzuri. Wakulima watakapokuwa wana bei nzuri, bei yenye tija, basi wakulima watakuwa na nguvu ya pamoja na watakuwa tayari kushirikiana.

Juzi Mheshimiwa Rais alipotutembelea Bukoba aliwauliza Wanaushirika, inakuwaje kahawa ya Bukoba iuzwe Uganda? Uganda wanauza wapi? Kwa hiyo, nina mategemeo kwamba, Mheshimiwa Waziri hiki kitu unachokileta kinakwenda kuleta majawabu ya mwenye nchi, majawabu ya tajiri. Lakini chombo unachokileta na Ushirika unaokwenda kuusafisha ambao ni mchafu, hii ndiyo

ninalita the *dilemma*. Haina ubishi, Ushirika ni mchafu! Ni vyema Ushirika au chombo hiki kilenge kuondoa gharama. Gharama katika manunuzi ya *input*, lakini gharama katika ule mnyororo wa kwenda kufikisha bidhaa kwa mteja. Hiyo nakueleza Mheshimiwa Waziri kwamba nije nikuunge mkono uelewe kwa nini ninakuunga mkono na wapi tunatofautiana. (*Makofi*)

Mheshimiwa Naibu Spika, siyo siri kuwa mkono wa Serikali utakuwepo na wenye nguvu. Je, nini dhamana kwa umma iwapo Ushirika utashindwa?

Waheshimiwa Wabunge, msiogope Serikali kuweka mkono ila mjiandae kuiwajibisha Serikali itakapoweka mkono kwenye Ushirika ukafa. Msiogope, mtu akitaka kubeba mzigo mwache, mwulize utaumudu? Kusudi atakapokwenda kuvuruga umwambie utawajibika. Ina maana kama Mrajisi ataharibu, basi sisi tumfanye nini Mheshimiwa Waziri ambaye sisi tunaweza kumsimamia na tunaweza kumshauri?

Mheshimiwa Naibu Spika, nikienda kwenye Ibara ya 28, nitaomba Mheshimiwa Waziri anisaidie, sitaleta marekebisho; katika vikundi ulivyozungumza *fishing processing*, uweke na ufugaji wa samaki ili kuweza kuhusisha vyombo vyote vya Ushirika.

Mheshimiwa Naibu Spika, nianze kuchangia sasa hoja hii ya Ushirika. Ushirika kwetu sisi Kagera au *West Lake* ilivyokuwa inaitwa, ulianza miaka ya mwisho ya 40. Kile Chama ambacho rafiki yangu alikiita Bahaya *Cooperative*,

kimsingi kilikuwa kinaitwa Bukoba *Cooperative Union*. Kilianzisha Mfuko unaitwa Balimi *Educational Fund*. Mafanikio ya Elimu kwa Mkoa wetu kimsingi yalitokana na *BCU* na Balimi *Educational Fund*. Wale wasichana waliosoma *Rugambwa Secondary School*, ile *Secondary* ilijengwa na Mhadhama Rauriani Rugambwa kwa kukopa *BCU*, ambayo Rugambwa Mwenyewe alikuwa ameijenga. Ilikuwepo *Department* ya Utafiti iliyoongozwa na Mzee na Bagayeibumba wa Ibwera aliyekwenda kuangalia Victoria wanafanya nini na Kilimanjaro wanafanya nini? Nauzungumza Ushirika ambao naujua. Mtu anapozungumza Ushirika, ndugu zangu msimlilie maiti asiyeweza kufufuka. *BCU* haiwezi kufufuka tena! Hatuwezi kuwa na Ushirika ule! Ndiyo kitu kinachokiita the *dilemma*. *It can't be same again*. Sasa tufanye nini kwenye *dilemma*?

Mheshimiwa Naibu Spika, katika historia ya hii tumeona Vyama vya Ushirika vimetaka kufa, Serikali imeingilia kati siyo mara moja, siyo mara mbili; kwamba waliingilia *it is immaterial*. Sasa *situation* tuliyonayo kwamba Serikali imeingilia, na ukisoma Ibara ya (4) na ya (5) katika Muswada huu Serikali ilipolazimika kuingilia ili-*bail out*. Kama alivyosema Mheshimiwa Saidi, Mbunge ukienda Kijijini wanakuuliza bei ya Kahawa, ukienda Waziri wanakuuliza bei ya Kahawa. Kumbe Serikali inategemewa! Mimi hapo ndipo ninapounga mkono kwamba kwa sababu ile hiari imeshindikana, imeishaingiliwa na *virus*, sasa Serikali iingilie. Serikali iingilie, isimamie kwamba Vyama vya Ushirika vinapata rasilimali.

Kwa wenzangu wana-CCM, ngoja niwakumbushe. Sisi Chama chetu imeandikwa kabisa. Ukisoma Ilani ya Chsama cha Mapinduzi Sura ya 5 (76) tunawajibika kuanzisha Vyama vya Ushirika, kuwaweka watu pamoja kwa sababu Serikali haiwezi kumgawia fedha mtu mmoja mmoja. Sasa watu wanapaswa waanzishe vikundi vyao, lakini wakishaanzisha vikundi vyao, kinachofuata ni nini? Kinachofuata baada ya kuanzisha vikundi hivyo, lazima Serikali iwawezeshe.

Kwa hiyo, wananchi, huu mchezo wa Serikali ni rahisi, nyie wahimizeni wananchi na isiwe wana-CCM tu, wahimizeni Watanzania wote waanzishe Vyama kama anavyotakiwa kufanya Mrajis kwa *notice* ya siku 90. Mkishavianzisha na kanuni zake, basi muiite Serikali ya CCM iweke fedha zake hapa. Mheshimiwa Sophia Simba amesema asubuhi kwamba zipo fedha Shilingi bilioni 16, zinakwenda wapi? Zinakwenda kwenye hizi *society*, ndivyo ilivyoandikwa. Msome Ilani ya CCM sura ya (5). Ilani inayotuongoza ndivyo inavyosema. Ichukie rangi yake, lakini *content, that is what matters*. Kwa hiyo, hatuwezi kuchukua fedha tukayapa magenge. Mheshimiwa Chiza anajua, kuna magenge!

Mheshimiwa Mwenyekiti, mimi nimeacha kusoma magazeti mengi. Nimewahi kusoma gazeti moja, lilimchafua Mheshimiwa Chiza kwamba Shirika fulani, sijui *Cooperative* moja imemfanya nini, nikasema sitasoma magazeti. Mimi huwa sisomi magazeti kwa sababu hiyo. Kwa sababu huwezi kuchukua fedha ukalikabidhi genge halafu ukaanza kuliacha kwa sababu eti ya hiari yao, wamedanganya

watu, waanze kuwashughulikia. Ndiyo mambo ya *DECI* haya! Watu wa *DECI* walikwenda kwa hiari, mbona hamkupinga Serikali ilipokwenda kuwakomboa watu walioibiwa fedha zao?

Kwa hiyo, ndiyo mambo ya namna hiyo. Hali tuliyofikia ni *dilemma*. Katika hali ya *dilemma* tumelazimika kuunganisha watu kwa pamoja watengeneze vikundi vyao. Kama mimi nitatengeneza vikundi vya wafugaji wa samaki, nategemea mje tutengeneze *society* mtuletee fedha pale. Mimi sijali mtu kunisimamia. Ni kwamba samaki watafugwa, watapelekwa sokoni. Sasa tunaogopa hawa wadokozi.

Mimi rafiki yangu mmoja ni Mwenyekiti wa *APEX*, lakini kwa hili nataka tukubaliane, *APEX* ziondoke. *APEX* futa, *delete* kabisa! *APEX* ziondoke na Vyama vya Ushirika *the Cooperative* vihimizwe kwenda kwenye masoko ya ndani na ya nje. Kama mtu anapata kahawa tani 20,000, kwa nini usiende kwenye soko la Ulaya? Kwa nini usiende Amerika, unasubiri Bodi ya Mazao ije ikupelekee soko? Inatafuta, itatumia watu gani? Kwanza, *Cooperative Union* inayozalisha tani 20,000 kama za kahawa au za pamba inatosha kuajiri vijana waliotoka Vyuho Vikuu. Sasa unamwajiri mtoto kwenye *Cooperative*, unamwacha hapa Dodoma hawezi kwenda Ulaya, hawezi kwenda Marekani; ndiyo namna ya kuwatafutia vijana ajira waajiriwe kwenye *cooperative*? Serikali inaangalie hizi Bodi za Mazao. Bodi ya Mazao, Mheshimiwa Chiza safari yake imeiva. Umesikia sauti ya wananchi kupitia kwa Wabunge wao. (*Kicheko/Makofi*)

Mheshimiwa Naibu Spika, kwa hiyo, nilichotaka kuzungumza, hapo mwanzoni niliwaambia suala la masoko kwamba lazima tuhakikishe kwamba *cost of production* inakuwa rahisi na tunamfikia mteja wa mwisho. Hii itawezekana kama *cooperative union* zitaweza kwenda moja kwa moja.

Mheshimiwa Naibu Spika, mimi yangu ni hayo machache, niishe hapo. Naunga mkono hoja. (*Makofi*)

NAIBU SPIKA: Ahsante sana Mheshimiwa Charles Mwijage. Namwita Mheshimiwa Susan Kiwanga atafuatiwa na Mheshimiwa Dkt. Hamisi Kigwangalla.

MHE. SUSAN L. A. KIWANGA: Mheshimiwa Naibu Spika, ahsante sana kwa kunipa nafasi jioni hii ya leo ili na mimi nipate kuchangia Muswada huu unaohusu Ushirika.

Mheshimiwa Naibu Spika, ningependa na kuungana na maoni ya Kambi ya Upinzani ama ushauri ulitolewa, ni wajibu wetu na ni wajibu wa Serikali kusikiliza na kuchukua yale ambayo inaona yanafaa kwa sababu sisi ni Wawakilishi wa wananchi na tunasema hapa kwa niaba ya wananchi. Kwa hiyo, ni muhimu kwa Serikali iliyopo madarakani ikachukua na kurekebisha huo Muswada kwa vifungu ambavyo vinalalamikiwa na watu wengi.

Mheshimiwa Naibu Spika, Wabunge wenzangu wengi wameshachangia kuhusu vifungu mbalimbali vya Muswada huu na nitashangaa sana kama Waziri mwenye dhamana akavipiga palanja na ikaleta mabishano makubwa katika

kurekebisha Muswada huu. Muswada umeletwa Bungeni ili sisi kama Bunge tutunge Sheria, ina maana tumeusoma Muswada na tunafanya marekebisho ili tupitishie Sheria, sitegemei upande wa Serikali ukabishana na Bunge katika kurekebisha Muswada huu. Kwa sababu wao ndio walitoa mawazo, na sisi tunafanya marekebisho ili yaende kwa pamoja, na tutakuwa tumetimiza wajibu wetu wa kutunga Sheria.

Mheshimiwa Naibu Spika, kwa hiyo, natoa tahadhari hiyo, isije ikaonekana kwamba haya majadiliano tunayofanya hapa kwa kurekebisha vifungu mbalimbali inakuwa kama hadithi hadithi tu. Hayo ndiyo mawazo ya wananchi.

Mheshimiwa Naibu Spika, leo najiuliza, kwa nini leo umeletwa Muswada wa Ushirika? Kumetokea nini? Serikali ya CCM ipo madarakani miaka 52 sasa hivi, inakwenda miaka 53 sijui. Kumetokea nini? Tatizo lipo wapi? Wale waliofisadi Ushirika, wako wapi? Yaani mnaleta Muswada ili tutunge Sheria, lakini mkumbuke kwamba wanaokwenda kutekeleza hizo Sheria, wanaohusika na hizo Sheria, wanaushirika ni wale wale Watanzania waliokuwa kwenye Ushirika ambao uliouawa na Serikali ya Chama cha Mapinduzi, kwa kuogopa labda kuenguliwa madarakani, sasa wanarudi tena. Kwa hiyo, watakaounga mkono Muswada huo na kuutekeleza hiyo Sheria ni wale wale Watanzania wa kawaida. Wameshaumwa na nyoka, sasa wakiona unyasi tu wanashutuka.

Mimi natolea mfano, uko wapi Ushirika mkubwa uliokuwa Mkoa wa Morogoro Serikali ikabinafsisha, wananchi mbalimbali walioko ndani ya Ushirika wakawadangaya, wakaambiwa tunachukua mali za Ushirika zitauzwa na nyie mjirodheshe.

Mheshimiwa Naibu Spika, zitakapouzwa mali za Ushirika mtarudishiwa fedha zenu. Mpaka leo wananchi wale wote wa Mkoa wa Morogoro hawajalipwa hata senti tano. Sasa wale ndio wanaokwenda kutekeleza hiyo Sheria tunayoipeleka. Je, hayo mliyobinafsisha, kuna *cooperatives* chungu nzima, hata kule Ulanga *Corp.* pale Ifakara ipo, sasa hivi ni gofu. Ukipita pale Kiberege kuna ule Ushirika, nimekwenda pale kwenye ile *cooperative* kufanya Mkutano, watu wanajiuliza, hii ni mali ya nani? Mbona inamilikiwa na mtu mmoja? Serikali hii iliyopo madarakani hawaangalii mali zile za zamani kwamba ziko wapi na zinafanya nini. Angalau ingewaridhisha sasa wale Watanzania ambao walishaathirika na ushirika uliokufa, kwamba tumewarejeshea hiki kidogo, sasa tunaleta Sheria hii ili tutengeneze ushirika ulio imara.

Kwa hiyo, Sheria tutatunga hapa, lakini kwenda katika utekelezaji kule, kunatakiwa elimu ya hali ya juu. Tutakumbana na malalamiko ya wananchi wanauliza fedha zao zilizobinafsishwa, asilimia 14 iliyokwenda *CRBD* nani analipwa? Nani anachukua hiyo fidia? Mpaka leo ni kitendawili! Wanaushirika ndiyo hao ukiwapelekea hiyo Sheria.

Mheshimiwa Naibu Spika, kuna vipengele humu sitaki kuvitaja, vimezungumziwa na watu wengi kuhusu Mrajis na Tume, ipo pale. Lakini Muswada umekaa kimya, hauseri, hao watu katika mtiririko wao wa kazi fedha za kuendesha hizo Ofisi wanazipata wapi? Isije ikawa tunapitisha hiyo sheria halafu Kanuni zinatungwa, zinasema Ofisi ya Mrajis, Tume, Bodi zitagharamiwa na wanachama wenyewe. Kwa hiyo, zikapelekwa kule, ada za kila aina! Maana hapa kuna kifungu 139 kuhusu ada pamoja na mambo mengine, kuna kifungu (g) kinasema hivi, yaani ada zitatolewa kwa jambo lingine lolote linalotakiwa kutozwa ada kwa mujibu wa Sheria hii. Lipi? Hiki ndicho kitakwenda kuwakomesha wanaushirika huko chini. Waziri atatumia hiki kipengele kwenda kutunga kanuni, sisi tunapitisha hapa. Hiki kipengele ndiyo kitatunga kwamba sasa wanachama wa Ushirika ndiyo watagharamia Ofisi ya Mrajis, watagharamia posho za Bodi, Sheria hii haijasema. Hawa Wajumbe wa Bodi wakikutana, watalipana posho ya Shilingi ngapi?

Mheshimiwa Naibu Spika, mpaka leo Bodi nyingi zilizopo ndani ya nchi yetu hatujui zinalipana Shilingi ngapi. Wanajipangie wenyewe; wengine milioni moja, wengine milioni mbili, wengine milioni tatu kwa siku. Sasa Sheria iseme, Bodi wakikutana watakuwa wanalipana Shilingi ngapi kwa kikao kimoja? Isije ikaachwa hivi wazi halafu baadaye ikawa mzigo mkubwa kwa wanaushirika.

Mheshimiwa Naibu Spika, kwetu kuna ushirika, Wilaya ya Kilombero imeanzishwa kuhamasishwa na Shirika moja lisilo la Kiserikali kutoka Marekani, wananchi walime,

waweke mazao yao katika ushirika watafutiwe masoko. Lakini wananchi wengi bado hawana elimu.

Kwa hiyo, kwa sheria hii ni vyema kabisa kukawa na kipengele kwamba Sheria hii iseme ni wajibu sasa au wa Mrajis au wa Tume au Bodi kwenda kutoa elimu kwa wanaushirika. Leo watu wa ushirika kwa mfano pale nilipokuwa Kilombero, yaani huyo Afisa Ushirika, tunahamasisha vikundi, akina mama na vijana wanajiunga ili Afisa Ushirika atoke pale Makao Makuu ya Wilaya aende kwenye kikundi huko mbali, ni lazima mtengeneze mazingira ya yeye kufika huko. Kwa nini mmetelekeza Maafisa Ushirika katika Halmashauri mbalimbali? Hii Sheria inakwenda kujibu nini katika masuala hayo? *(Makofi)*

Vilevile, kuna vifungu hapa vinasema uteuzi. Kwa kweli mimi naungana na wote waliokataa uteuzi katika masuala ya Viongozi wa Ushirika. Ni bora wanachama wa Ushirika wakaitwa wakachagua viongozi wao. Mradi Sheria hii iseme kwamba sifa ya kuwa Mrajis, sifa ya kuwa mwenye Bodi, sifa ya kuwa kwenye Tume ni sifa hii na hii. Kwa hiyo, wanachama ndio wawe na wajibu wa kumweka na kumwondoa. Sheria iseme wazi. Vilevile walivyomweka ndiyo watakavyomwondoa. Kama kuna ubadhirifu na iwe wazi kwamba atapelekwa Mahakamani kwa mujibu wa Sheria hii. Kwa hiyo, Sheria lazima iseme wazi, isiwe na mambo ya kufumba fumba. *(Makofi)*

Mheshimiwa Naibu Spika, sasa hivi ni demokrasia. Demokrasia, hata Vyama vipo vingi, hata maduka yapo mengi. Kwenye mtaa mmoja kuna maduka, huyu anauza

mchele, huyu anauza mchele, huyu anauza mchele; leo imekuwaje Sheria inaturudisha tulikotoka, tugeuke nyuma? Tusije tukawa jiwe! Eti Chama kikiundwa eneo moja, basi Chama kingine cha kufanana na hicho kisiwepo pale. Mnaturudisha nyuma tulikotoka! Hiyo haikubaliki! Kila mmoja atajiunga, lazima kuwepo na mashindano ili watu wapate maendeleo ya haraka. *(Makofi)*

Halafu wakati ule Chama kimoja, eneo moja, Kijiji kimoja, mkumbuke kwamba watu walikuwa labda milioni tisa. Sasa hivi ni milioni 44. Kata yangu ya Ifakara mimi ninakokaa nyumbani, kuna watu wasiopungua laki moja na zaidi. Sasa inakuwaje ninyi msemi eti eneo moja; Haiwezekani! Hivyo vitu vimepitwa na wakati.

Kwa hiyo, tunatoa ushauri kwa Serikali kama Bunge, kwamba hii sheria iondolewe na iwe huru, vyama vianzishwe ili watu wapate mafunzo na wapate kushindanisha hivyo vyama. *(Makofi)*

Mheshimiwa Naibu Spika, sipendi kupigiwa kengele, lakini nijibiwe, tena itakuwa nje, naomba nijibiwe; ule ushirika wa Morogoro, wale waliovunjiwa, walioambiwa na kuahidiwa mali zitauzwa na watarudishiwa fedha zao, wale watu mtawalipa lini? Orodha ninayo, ikiwezekana nitawaletea. Watu wanalalamika, wanalia hawajui hatima yao. *(Makofi)*

Mheshimiwa Naibu Spika, naomba kuwasilisha. *(Makofi)*

NAIBU SPIKA: Nakushukuru sana Mheshimiwa Susan Kiwanga kwa mchango wako. Kama nilivyoahidi mwanzo, sasa ni Mheshimiwa Dkt. Hamisi Kigwangalla na atafuatiwa na Mheshimiwa Jitu Soni.

MHE. DKT. HAMISI A. KIGWANGALLA: Mheshimiwa Naibu Spika, awali ya yote, nakushukuru kwa kunipa nafasi hii na mimi nitoe mchango wangu wa senti hizi mbili kwenye hoja hii iliyoko mbele yetu.

Mheshimiwa Naibu Spika, nitaanza kwa ku-*declare interest* kwamba mimi ni mjukuu wa mkulima. Ni mjukuu wa mababu wawili ambao wote walikuwa ni wakulima, walikuwa ni washirika, lakini pia walikuwa ni viongozi kwenye ushirika. Naweza kusema, kwa kuwa nimelelewa na babu zangu hawa wawili kwamba nimesoma na kufika hapa nilipofika kwa fedha inayotokana na jembe, kwa fedha inayotokana na ushirika, lakini pia nina uzoefu wa kufanya biashara kwenye zao la pamba ambalo pia msingi wake mkubwa ni uimara wa ushirika. Kwa hiyo, nataka kusema tu kwamba ninaujua vizuri ushirika.

Mheshimiwa Naibu Spika, baada ya kusema hayo, kabla sijaingia kwenye mchango wangu, niseme tu na nikim-*quote* Albert Stain ambaye aliwahi kusema kwamba “Dunia siku zote inaweza kufanywa kuwa ni mahali pabaya kwa sababu ya watu wabaya.” Lakini sivyo, yeye anasema “ni kwa sababu ya watu wazuri ambao wanajua ubaya na uovu lakini hawausemi.”

Mheshimiwa Naibu Spika, naomba niseme, mimi sio mmoja wa hao. Kwa sababu tayari nilishatoa hata nia ya kuwataja watu wanaojihusisha na biashara ya madawa ya kulevya. Kuna nini leo hii nikiuchukua ushahidi wa Mheshimiwa Kakoso hapa na kuuweka Mezani kwako kwa sababu namwamini? Sasa Mheshimiwa Kakoso alisitasita na kuogopa kuuweka Mezani ushahidi wake kwa kuwa mimi siwezi kushuhudia uovu ukitendeka hali ya kuwa ninaweza nikausema, naomba niuseme, kisha uniruhusu niendelee na mchango wangu.

Mheshimiwa Naibu Spika, la kwanza alilolisema Mheshimiwa Kakoso linahusiana na kodi ya nyumba ambayo Mkurugenzi wa Bodi ya Tumbaku amekuwa akilipwa na Bodi. Mkurugenzi huyu kwa mujibu wa waraka unaotoka Wizara ya Fedha na Uchumi kwenda kwa Wakuu wa Taasisi za Serikali Tanzania Bara ni kwamba Wakuu wa Taasisi za Serikali wanapaswa kulipwa posho ya nyumba kwa mwezi isiyozidi Sh. 800,000/=. Lakini Mkurugenzi huyu analipwa fedha ya nyumba Dola zaidi 1,200.

Mkataba wa nyumba upo hapa, nauweka Mezani, waraka kutoka kwa Katibu Mkuu Wizara ya Fedha na Uchumi, pia nauweka Mezani. Lakini pia naweka Mezani waraka mwingine kwa niaba ya Mheshimiwa Kakoso ambao unaelezea matumizi yasiyo kwenye bajeti ambayo yamefanywa na Mkurugenzi kwa kipindi cha miezi miwili yanayozidi Shilingi milioni 10. Lakini pia naweka Mezani waraka kutoka kwa Mheshimiwa Kakoso wenye jumla ya Sh. 23,627,000/= ambayo ni manunuzi na fenicha za ndani

ikiwemo makochi ya kifahari yenye zaidi ya gharama ya Sh. 8,000,000/=. Jumla ni Shilingi milioni 23.

Mheshimiwa Naibu Spika, nimeweka Mezani kwa kumbukumbu zako, naomba uchukue. (*Makofi*)

Mheshimiwa Naibu Spika, sasa naendelea na mchango wangu. (*Makofi*)

NAIBU SPIKA: Naomba wasaidizi wa humu ndani wachukue zile karatasi.

MHE. DKT. HAMISI A. KIGWANGALLA: Mheshimiwa Naibu Spika, tatizo la nchi hii, hata siku moja siyo *APEX*. Tatizo la nchi ni ubadhirifu, ni wizi, ni rushwa; hayo ndiyo matatizo makubwa ya nchi yetu, wala siyo *APEX*, wala siyo muundo wa ushirika, wala siyo Sheria ya Ushirika kwenye ushirika. Tatizo ni wizi, tatizo, ni sisi tunaona wizi tunauangalia, tunaulea, tunaubembeleza, hatuchukui hatua. Hayo ndiyo matatizo yanayoua ushirika katika Taifa letu. Wazalendo wamekwisha, waliobaki kwenye ushirika ni wezi watupu na hao wezi waliomo humo ndani ya ushirika tunawalea, hatuwachukulii hatua. Bahati mbaya sana tunawafahamu, hatuwasemi, hatuwachukulii hatua. Hilo ndilo tatizo kubwa lililoko katika ushirika wetu, wala siyo *APEX*.

Mheshimiwa Naibu Spika, kuna watu wengine wanaoongea hapa hawajui nini maana ya *APEX*. Naomba nitoe elimu kidogo. *APEX* ni ushirika kilele. Labda nianzie chini zaidi.

Kwenye Ushirika, muundo wake unaanza na Chama cha Ushirika cha Msingi kule kijijini. Vyama vya Ushirika vya Msingi vikijiunga, vinatengeneza *union*, Chama Kikuu cha Ushirika na Vyama Vikuu hivyo vya Ushirika vikijiunga vinatengeneza *APEX*. Chama Kilele cha Ushirika na *APEX* zikijiunga na wanachama wake wote zinakwenda kutengeneza Shirikisho la Ushirika katika Taifa letu. Shirikisho linakuwa ndiyo sauti sasa ya ushirika wote kwa ujumla wake. Kwa hiyo, kutakuwa kuna *APEX* kwa maana ya Chama Kilele cha Ushirika kwenye pamba, tumbaku, chai na korosho.

Mheshimiwa Naibu Spika, sheria hii ilipitishwa karibu miaka 15 iliyopita ya kuanzisha hizo *APEX*, lakini waliounda *APEX*, nyingine zilikufa kwa sababu ya ule mdororo wa ushirika kwenye miaka ya 1990. Lakini *APEX* iliyosimama toka enzi hizo mpaka leo ni *APEX* ya kwenye zao la tumbaku peke yake. Ina rasilimali, ina majengo makubwa, ina mali nyingi, ina wanachama imara ambao hawajalalamika kwamba *APEX* inawahujumu, ambao hawajalalamika kwamba ushuru wanaolipa kwenye *APEX* yao ni mkubwa sana, unawaletoa tatizo kulipa. Hawajalalamika! Leo ni nani anaweza kusema yeye ndio Msemaji Mkuu wa wale wanaushirika kule chini kuliko wanaushirika wenyewe?

Mheshimiwa Naibu Spika, kwa sababu katika mfumo huu nilioueleza hapa, wanachama wenyewe wanawachagua viongozi wao, wanawachagua Wawakilishi wao kuwawakilisha kwenye vyombo vya juu ambavyo vinafanya maamuzi kwa niaba ya ushirika.

Wanakwenda mpaka kufikia kumchagua Mwenyekiti wa Shirikisho la Ushirika. Kwa sasa hivi ni Mwenyekiti wa CCM Mkoa wa Tabora, Mheshimiwa Hassan Wakasugu.

Mheshimiwa Naibu Spika, huwezi kusema leo hii, eti hawa wananchi ambao wao wenyewe wamemchagua kama walivyomchagua Hamisi Kigwangalla kuja kuwawakilisha Bungeni wananchi wale wa Nzega, wamechagua mtu wao kwenda kuwawakilisha kwenye mambo ya ushirika wao.

Sasa sisi tunataka kusema kwamba yule mtu ambaye wao wenyewe wamemchagua hafai. Sisi ambao tumechaguliwa na wananchi hao hao! Maana yake nini? Maana yake sisi tunajiona tunajua zaidi kuliko wale wenyewe ambao wamechagua uongozi wao! Siyo kanuni katika misingi ya haki za binadamu. Ina-*contravene* misingi ya haki na usawa ambayo ilielezwa na mwanafalsafa John Rowling akifuatiwa na wenzake akina Amartya Sen. Wote hawa wanasema nguvu ya uwakilishi inatakiwa ipate *legitimacy* kutoka kwa wananchi wenyewe, ipate uhalali wake kutoka kwa wanachama wenyewe. Sasa wananchi hawa wamejiunga katika ushirika kwa hiari yao wenyewe, wananchi hawa wakachagua viongozi wao wa kuwawakilisha, wakawapa uhalali wa kwenda kusema kwa niaba yao.

Mheshimiwa Naibu Spika, sisi tumekuwa akina nani wa kusema kwamba hawa waliochaguliwa na wanaushirika wenyewe hawafai? Sisi tunataka msimamiwe na huyu ambaye hawajamchagua wao, wameteuliwa na mamlaka

nyingine? Leo tunasema tunatenda haki! Leo tunasema tunawatetea wanaushirika! Tunaweza kuwatetea wanaushirika wakati sisi hata hatulimi hayo mazao yenyewe? Kuna watu wanasema hapa, hata kulima hawalimi, wanasema wanatetea wakulima, wanatetea wanaushirika. Lakini kuna mtu kama Mheshimiwa Kakoso ambaye amesemwa sana hapa Bungeni leo hii, yeye ni mkulima! Ni mkulima mwenzao! Kuna watu wakulima mahiri kama Mzee Hassan Wakasugu, Mwenyekiti wa CCM Mkoa wa Tabora, yeye ni mwanaushirika na ni mkulima mzuri namba moja wa zao la tumbaku kule Mkoani kwetu. Analima vizuri, anaonesha mfano wananchi, anaonyesha njia ya kupita.

Mheshimiwa Naibu Spika, tunaye hapa Mheshimiwa...

MHE. JUMA S. NKAMIA: Mimi hapa.

MHE. DKT. HAMISI A. KIGWANGALLA: Mheshimiwa Nkamia, unalima nini bwana wewe! Tunaye Mheshimiwa Kakoso hapa analima tumbaku zaidi ya ekari 100 na wananchi wenzake wamemwona yeye ni mfano wa wanaushirika walio bora, wamemchagua kwenda kuwawakilisha huko. Leo hii anakuja hapa Mbunge mwingine ambaye hata halimi, ambaye hata hahusiani na wale wanaushirika ambaye hata hakuchaguliwa na wanaushirika akawasemee mambo yao ya ushirika, anasema Mheshimiwa Kakoso hafai, yeye anafaa zaidi. *(Makofi)*

Mheshimiwa Naibu Spika, huku ni ku-*contravene* misingi ya haki, usawa wa binadamu kama inavyoonelezwa kwenye nadharia mbalimbali za kitaalamu ambazo zimefanyiwa tafiti. (*Makofi*)

Mheshimiwa Naibu Spika, kuna watu wana maslahi, hawataki kuyasema vizuri. Kuna watu wametoka kwenye Bodi, mfano kaka yangu Mheshimiwa Said Nkumba alikuwa Makamu Mwenyekiti wa Bodi, Msaidizi wake ni Mheshimiwa Vita Kawawa, wanasema wamemaliza kazi juzi. Lakini hii Bodi mpaka hivi tunavyoongea hapa, hata hesabu zake hazijakaguliwa. Hayo mambo anayoyasema Mheshimiwa Kakoso hapa yakienda kukaguliwa yanaweza yakaleta matatizo. Hakuna Bodi nyingine iliyoteuliwa mpaka leo. Hii maana yake ni nini? Maana yake ni kwamba kama ukaguzi ukifanyika siku yoyote ile kuanzia leo, kama yakipatikana madudu pale, ile Bodi itakuwa ina matatizo na itapaswa ichukuliwe hatua za kisheria. Ndiyo maana yake! *Simple!* (*Makofi*)

Mheshimiwa Naibu Spika, sidhani kama sheria hii imeletwa hapa Bungeni kwa lengo la kuwasaidia wanaushirika. Matatizo ya ushirika yanajulikana. Nimesema ubadhirifu, rushwa na kukosekana kwa *commitment* ya viongozi wa ushirika wenyewe. Lakini bora wachaguane wao wenyewe, wasimangane wao wenyewe, Serikali iweke jicho tu kupitia Bodi, kuliko Bodi ilivyokuwa inafanya.

Mheshimiwa Naibu Spika, kabla ya hapo, nitatoa historia. Kwa mfano, kabla ya kuanza kununua pembejeo kutengeneza masoko kwa kutumia *APEX* ya tumbaku,

mfuko mmoja wa mbolea ya *NPK* ulikuwa unauzwa na Makampuni ya Kibepari Dola 61, leo hii kupitia *APEX* mfuko mmoja umeshuka mpaka kufikia Dola za Kimarekani 46. Nani anawawakilisha vizuri washirika kama sio washirika wenyewe?

Mheshimiwa Naibu Spika, kusafirisha tumbaku kati ya Tabora na Dar es Salaam ilikuwa Dola za Kimarekani 176. Leo hii inafika hadi Dola za Kimarekani 126. Kwenda Nzega ilikuwa Dola za Kimarekani 220, leo hii Dola za Kimarekani 120. Ukitumia bei za Serikali, gharama ni kubwa karibu *by 60% over and above* ile bei ya Ushirika. Sasa nani hapo ni Mwakilishi mzuri wa wakulima hawa? Maana yake ni nini? Hii *difference* ya bei inayojitokeza hapa, siku zote inakuwa *factored* kwenye mafao ambayo mkulima anayapata na wala siyo kwingine, ni kwenye mafao ambayo mkulima atayapata kama gawio la mauzo ya tumbaku yake kwa mfano.

Sasa leo hii mtu anasema eti *APEX* haifai, kuna watu wanakaa kule juu wanakula! Sasa kama una tatizo na Mheshimiwa Kakoso, useme wewe una tatizo na Mheshimiwa Kakoso, lakini siyo na *APEX*. Kwa sababu *APEX* ni chombo kimetengenezwa kisheria, kinatekeleza majukumu yake kisheria na kinafanya kazi ambayo wao wenyewe wanachama wa hiyo *APEX* hawajalalamika. Tunasema, ushirika ni mfumo wa kutengeneza makundi ya kiuchumi ambayo mtu anajiunga kwa hiari yake mwenyewe, halazimishwi. Hakuna chama kinacholazimishwa. Kitakapona kwamba hakipati faida kwenye muungano ule wa *APEX*, kinajittoa.

Mheshimiwa Naibu Spika, sasa kama *APEX* ingekuwa haina faida, kwa mfano *Western Zone Tobacco Growers Association* ambayo ipo kule kwetu Tabora, wangeona wao hawana faida na *APEX* yao kule juu wangejitoa kwa sababu wanaruhusiwa kujitoa kikanuni. Sasa kama wao *WETCO* hawajataka kujitoa, kwa nini sisi tuwalazimishe tuwatoe kisheria wakati wao wanaona wana maslahi ndani ya *TTCA* au *LATCO* au *SAMCU* ya kule kwa ndugu yangu Mheshimiwa Vita Kawawa! Kama Wandendeule wangeona wanaibiwa na hii *APEX* wangejitoa kwa sababu ni hiari. Hakuna anayewalazimisha! *APEX* haiwashiki hawa watu! Kwa nini sisi tuchukue hoja hii tuseme sasa tunaitoa *APEX* kisheria?

Mheshimiwa Naibu Spika, kuwa makini. Kuna watu wana maslahi binafsi, wametumiwa na Makampuni ya Kibepari ambayo yamenyang'anywa *tender* ya ku-supply pembejeo hizo ambao wamenyang'anywa uwezo wa kuchukua *tender* za kusafirisha hiyo tumbaku, matokeo yake wanakuja leo wanasema *APEX* haifai, *APEX* ndio anayetunyima *tender*. Kwa hiyo, tumtoe. Wakati *APEX* ime-*prove beyond reasonable doubt* kwamba inawawakilisha vizuri washirika wake kwamba inawaletoa bei za nafuu na wanapata faida. Ni *APEX* miaka mitatu iliyopita iliweza kufanikisha wakulima kuuza tumbaku yao kwa bei ya Dola. Kwa sababu pembejeo wanakopeshwa kwa Dola, tumbaku walikuwa wanauza kwa *Tanzanian Shillings*, lakini *APEX* imeweza kuwatetea wakulima hawa, sasa wanauza kwa Dola. Maana yake ni nini? Maana yake inawasaidia kuwa-*organise* na kuwafanyia wa-*negotiate*. (*Makofi*)

Mheshimiwa Naibu Spika, nimesema mimi nafanya kazi kwenye pamba. Kwenye pamba kila siku tunapata matatizo wakati wa kutengeneza bei. Lakini sijawahi kusikia mgogoro wa bei ya tumbaku hapa Bungeni hata siku moja. Sijawahi kusikia! Lakini kila siku akina mzee Cheyo hapa wanasema " *no buku no cotton.*" Kila siku wanasema! Lakini pamba nayo, leo hii wanajipanga kutengeneza *Cooperative APEX* ya pamba. Korosho nayo leo wanajipanga kutengeneza *APEX* kwa sababu nako kwenye korosho tumeona migogoro ya bei, kwenye pamba migogoro ya bei, nao sasa wanataka kujiunga watengeneze *APEX* yao.

Mheshimiwa Naibu Spika, *APEX* ina faida. Watu wenye maslahi yao binafsi kama wamekula hizo fedha, ziwatokee puani. Kama wamekula fedha hiyo kuja kutupotosha hapa, hizo fedha ziwatokee puani. Lakini tukatae hili wazo la kusema tunaiua *APEX* kisheria kwa sababu *in few time* halina maana yoyote na wala haitasaidia chochote kwa sababu kwenye *APEX* mtu anaweza akajitoa kwa hiari, wala halazimishwi kuingia.

Sasa kama wanaweza wakajitoa kwa hiari, wao waende waka-*lobby* kule kwenye *APEX* wazitoe zile *Cooperative Unions* zao.

Kwa mfano, kaka yangu Mheshimiwa Said Nkumba kama anataka sisi watu wetu watoke kwenye *APEX*, twende tukawashawishi washirika wetu kule watoke kwa hiari yao, hawalazimishwi. *APEX* haiwalazimishi na wala hakuna sheria

inayowalazimisha kuwa kwenye *APEX*, lakini siyo kuua *APEX*. Watakaotaka watabaki kwenye *APEX* watapata faida ya *APEX* na *APEX* ime-*prove* kuwa na faida.

Hawa watu wa Bodi Tanzania (*Tobacco Board*) walitaka kunyang'anya Kiwanda cha Kukausha Tumbaku cha *SAMCU* ya kule Kusini kwa akina Mheshimiwa Vita. Walitaka kunyang'anya hicho kiwanda eti kwa sababu ile *Cooperative Union* kule imeshindwa kulipa fedha za ushuru (*levy*) za *TTB*. Sasa walitaka kunyang'anya kiwanda cha ushirika, lakini hatujasikia malalamiko ya *APEX* kunyang'anya kiwanda cha mtu.

Mheshimiwa Naibu Spika na Waheshimiwa Wabunge, tuwe makini, tuwaangalie watu hawa, wanataka kuitafuna hii *APEX* kwa maslahi yao binafsi.

Kuna watu hapa tumeambiwa wanatumika vibaya na Makampuni mengine yako Tabora. Kuna viongozi wa Serikali tunafahamu, waliomba *tender* kwenye *APEX* za ku-*supply* pembejeo za kusafirisha tumbaku wakanyimwa. Sasa leo hii wamegeuka, wanakuja kusema eti *APEX* haina faida, itolewe, haina tija, kwa sababu tu wana nguvu za Kiserikali.

Mheshimiwa Naibu Spika, naomba niishie kwenye hoja ya *APEX* hapo, lakini niseme kipengele kinachotaka kuwatoa wanasiasa...

(Hapa kengele illia kuashiria kwisha kwa muda wa Mzungumzaji)

NAIBU SPIKA: Ahsante sana Mheshimiwa Dkt. Kigwangalla.

MHE. DKT. HAMISI A. KIGWANGALLA: Wabeja sana Mheshimiwa Naibu Spika.

NAIBU SPIKA: Ahsante, ni kengele ya pili. Sasa ni zamu ya Mheshimiwa Jitu Soni atafuatiwa na...

MWONGOZO WA SPIKA

NAIBU SPIKA: Mheshimiwa Vita, mwongozo.

MHE. VITA R. M. KAWAWA: Mheshimiwa Naibu Spika, nilikuwa naomba mwongozo wako, msemaji wa mwisho katika hotuba yake aliposema alizungumza kwamba Bodi ya Tumbaku...

NAIBU SPIKA: Kanuni gani Mheshimiwa Vita?

MHE. VITA R. M. KAWAWA: Mheshimiwa Naibu Spika, ni Kanuni ya 68.

Mheshimiwa Naibu Spika, msemaji wa mwisho katika hotuba yake alizungumza kwamba Bodi ya Tumbaku haijakaguliwa kipindi chote. Mimi nimekaa vipindi viwili pale, miaka sita.

Kwa utaratibu, tunakaguliwa kila mwaka na *CAG* na tunaleta Bungeni hapa, inakuwa *tabled* hapo na Waziri.

Sasa nilikuwa nataka nifahamu mwongozo wako, Mwenyekiti wa Kamati ya Bunge na Mjumbe wa Kamati ya Uongozi anaposema uongo, hatua gani zinachukuliwa?

Mheshimiwa Naibu Spika, halafu kwa sababu kumbukumbu ziko hapa Bungeni, hesabu zote zilizokaguliwa za Mashirika yote pamoja na ya Bodi ya Tumbaku, naomba mwongozo wako, kama tunaweza tukaipata hiyo kudhibitisha.

NAIBU SPIKA: Haya, mmesimama wangapi? Ngoja niandikishe. Kuna Mchungaji pale, Kuna Mbunge wa Muhambwe, Nyamagana; wanne!

MBUNGE FULANI: Watano.

NAIBU SPIKA: Wa tano nani? Mheshimiwa nimeshakuandika jina. Mheshimiwa Wenje tayari, kaeni nyinyi. Mheshimiwa Nkumba nimeshamchukua. Ah, Mheshimiwa Tundu Lissu, Samahani sana. Jicho langu lilikuwa linaangalia mbali kule. Ahsante sana. Sasa tuanze na *Chief Whip* wa Upinzani. Mheshimiwa Tundu Lissu.

MHE. TUNDU A. M. LISSU: Mheshimiwa Naibu Spika, nimesimama kwa sababu moja tu ya kulinda Kanuni za Bunge. Kama kuna Mbunge amesema uongo, utaratibu wa Kanuni zetu unasema, Mbunge anayefikiri kuna mwenzake amesema uongo, anasimama, anasema kuhusu utaratibu.

Kauli ya Mheshimiwa Kigwangalla kwamba hesabu zetu hazijakaguliwa, siyo ya kweli, uthibitisho ni huu.

Akishatoa uthibitisho wake, Mheshimiwa Kigwangalla atakiwe kuthibitisha kauli yake. Sasa hiyo haijafanyika. Unaombwa mwongozo wa jambo ambalo lilitakiwa liletwe kwa kutumia utaratibu; Mwongozo umeletwa kinyume cha kanuni, haitakuwa sawasawa ku-*entertain* ukiukwaji wa Kanuni kama huu.

Mheshimiwa Naibu Spika, nimeinuka kwa sababu hiyo tu.

NAIBU SPIKA: Katika hilo, kwa sababu mimi ndiye naendesha kikao, niseme tu kwamba Mheshimiwa Vita Kawawa yuko sahihi, ameomba mwongozo wangu, akaeleza kuwa maelezo hayo kwa maoni yake siyo sahihi kwa sababu hesabu za miaka yote siyo sahihi, kwa sababu Hesabu za miaka yote za hiyo Bodi zimeletwa mbele ya Bunge hili na zimewekwa Mezani. Kwa hiyo, huo ni ushahidi wake kuwa jambo hilo siyo sawasawa.

Mheshimiwa Kigwangalla atafafanua. Mimi nilivyomsikia Mheshimiwa Kigwangalla ni kama anazungumzia hesabu za mwaka mmoja huu ulioishia, lakini sitaki kumsema, atasema yeye mwenyewe huko mwishoni ni kitu gani. Kwa vile walisimama watu wengi hapa, ndiyo maana hatukuweza kusogea kidogo, tukaona tuwasikilize kwanza, kuna nini? Kwa hiyo, tuendeleo na ninaamini tuko kwenye misingi.

Mheshimiwa Wenje nimeshakuandika, nitawaiteni tu. Nimeshawaandika wote. Ninakwenda tu kwa zamu. Mheshimiwa Mchungaji Msigwa.

MHE. MCH. PETER S. MSIGWA: Mheshimiwa Naibu Spika, nimesimama kwa Kanuni ya 61 (7), sijui niisome! Lakini kwa kuokoa muda, inajulikana.

NAIBU SPIKA: Soma tu ili twende kwa pamoja.

MHE. MCH. PETER S. MSIGWA: "Hali kadhalika Mbunge anaweza kusimamma wakati wowote ambapo hakuna Mbunge anayesema na kuomba mwongozo..."

Mheshimiwa Naibu Spika, ni 68(7).

NAIBU SPIKA: Kama ni 68(7) ya mwongozo haina shida. Endelea.

MHE. MCH. PETER S. MSIGWA: Sawasawa.

Mheshimiwa Naibu Spika, mwongozo wangu kwa muda mrefu tokea Bunge limeanza, ninaamini hili ni Bunge Tukufu, lina heshima yake na wananchi wametuumini. Lakini kwa muda mrefu Kambi ya Upinzani tumekuwa tukizungumza kuwa Serikali na viongozi wengi wamekuwa sio waaminifu katika kuongoza nchi na viongozi mbalimbali. Lakini leo watu wa Chama kimoja imejidhihirisha kabisa jinsi wanavyoonesha mambo yanavyokwenda ndivyo sivy.

Sasa nilikuwa naomba mwongozo wako kwamba siyo wakati muafaka wa Kiti chako kupata hizi taarifa ambazo hapa tunazipata, sasa mambo yana-*reveal*, kama vile mchawi ameonekana, zitusaidie ili kulitakasa Bunge hili liwe

safi; hawa watusaidie kukamata hawa wezi kwa sababu ni kama sasa tunayaona haya mambo yalikuwa yamejificha.

Mheshimiwa Naibu Spika, nilikuwa naomba mwongozo wako ili tulinde heshima ya Bunge. *(Kicheko)*

NAIBU SPIKA: Hili nilitolee mwongozo moja kwa moja jamani. Bunge halijatuhumiwa kwa chochote. Kwa hiyo, kulinda heshima ya Bunge sijui utalinda heshima ya Bunge namna gani wakati Bunge halijahujumiwa kwa chochote. Kwa hiyo, tunaendelea. Mheshimiwa Wenje.

MHE. EZIKIA D. WENJE: Mheshimiwa Naibu Spika, naomba mwongozo wako kwa kanuni ya 68(7), ikisomwa pamoja na Kanuni ya 63(1) inayozungumzia kutokusema uongo Bungeni.

Mheshimiwa Naibu Spika, ninaamini kwamba Wabunge wote tunaelewa Kanuni hizi, na tunaponyanyuka na kusema jambo ninaamini kila mtu ana uhakika na jambo analolisema. Mheshimiwa Nkumba alisema ndani ya Bunge hili kwamba Katibu wake na Mheshimiwa Kakoso aliwahi kusema na mbele yao kuwa wao wanaiba kidogo. Sasa wanaiba kidogo halafu wanapiga kelele sana, wakati inaonekana wao wanaiba nyingi sana! *(Kicheko)*

Mheshimiwa Naibu Spika, kwa sababu yanayosemwa humu kila Mbunge anatakiwa aseme ukweli: Je, Kiti chako kinaweza kumwagiza Mheshimiwa Nkumba alete huo ushahidi halafu kama itathibika kuwa ndivyo hivyo: Je, Kiti chako kitakuwa tayari hawa watu wapelekwe Polisi

wachukuliwe hatua na wapelekwe Mahakamani, wadhibitiwe kama wanavyodhibitiwa vibaka wengine wa nchi hii? Naomba mwongozo wako.

NAIBU SPIKA: Waheshimiwa Wabunge, kwa hakika mmeamua tupoteze muda wa wananchi bila sababu zozote za msingi. Alichokisema Mheshimiwa Nkumba, ninatumaini wote tunasikiliza. Maana wengine yanapozungumzwa hapa wengine wanazungumza miongoni mwao hawasikilizi vizuri ni nini ambacho kimezungumzwa.

Kilichozungumzwa na Mheshimiwa Nkumba ni yaliyojiri ndani ya Kamati na Kamati inafanya kazi kwa niaba yetu sisi sote. Sasa unataka ushahidi gani tena mwingine? Mheshimiwa Mbunge wa Muhambwe!

MHE. FELIX F. MKOSAMALI: Mheshimiwa Naibu Spika, nashukuru. Nasimama kwa mujibu wa Kanuni ya 68 (7) pamoja na 61(1-6). Kwa sababu ya muda Kanuni ya 68 (7) ya mwongozo wote wanaifahamu, kama utaniruhusu nisome 61, lakini ninaweza nikaifafanua ili utupatie mwongozo wako.

Kanuni ya 61(1-6) ni kuhusu watu watu wenye maslahi binafsi. Ni namna gani Kanuni zetu zinakata watu kuja hapa kutupotezea muda kuzungumza mambo ambayo wana maslahi yao binafsi. Hawa Wabunge wote ambao wanabishana hapa, wana maslahi binafsi na hili jambo na hawapo hapa kwa ajili ya kutetea wananchi. Wakati anasimama Mheshimiwa Said Nkumba haku-*declare* kama

Kanuni ya 61(1) inavyosema kwamba kama una maslahi yoyote ya kifedha ni lazima useme maslahi hayo, utaje kiwango cha fedha na kadhalika. Hakusema wakati yeye alikuwa Makamu Mwenyekiti...

NAIBU SPIKA: Wana maslahi gani?

MHE. FELIX F. MKOSAMALI: Mheshimiwa Naibu Spika, nisikilize kwa umakini. Alitakiwa atuambie kwamba zile tuhuma zilizotolewa, yeye alikuwa na maslahi nazo kiasi gani? Ndiyo aendelee kusema. Matokeo yake, ameanza kuleta ubishi kwa sababu ameona hayo mambo yanamuhusu. Mheshimiwa Felix!

NAIBU SPIKA: Mheshimiwa Felix Mkosambali nakuomba ukae, nimekwisha simama.

MHE. FELIX F. MKOSAMALI: Mheshimiwa Naibu Spika, ungenisikiliza nikamalizia! (*Kicheko*)

NAIBU SPIKA: Siyo utaratibu kaka yangu. Utaratibu ni kwamba, kama alivyoeleza Mheshimiwa Tundu Lissu, ameongoza vizuri sana. Wewe ambaye umeliona hilo ambalo ni pungufu, wewe liweke sawa sasa! Hicho kitu ambacho haku-*declare* yeye, wewe sema haku- *declare* kitu fulani, wewe si unakijua? Ndiyo uendelee. Mimi sisimami kukuzuia usiseme chochote. Ninasimama kukuweka kwenye reli vizuri. Kwa kuwa yeye haku-*declare*, hebu wewe sema, alitakiwa ku-*declare* nini?

MHE. FELIX F. MKOSAMALI: Mheshimiwa Naibu Spika, alichotakiwa ku-*declare*, kwa sababu iliyotuhumiwa ni Bodi ya Tumbaku na yeye alikuwa ni Makamu Mwenyekiti wa Bodi ya Tumbaku ambayo ndiyo ilikuwa inaidhinisha malipo hayo kuongeza, hizo tuhuma zote alitakiwa aseme yeye analipwa nini kwenye hiyo Bodi, na kadhalika, ndiyo aendelee kusema. Lakini hakusema kama Kanuni ya 61 (1) inavyosema. Lakini pia Mheshimiwa Kakoso, huu Muswada unahusu masuala ambayo na yeye yanamuhusu. Alitakiwa atuambie anapata faida gani akiwa kama Mwenyekiti wa hiyo *APEX*, analipwa nini? Ndiyo aendelee ili aweze kuwa *fair* kwa watu wengine, lakini hakusema. Amekuja tu akasema kuna Bodi na nini na nini.

Sasa ukiwatazama hawa watu wanaobishana, wote wana maslahi binafsi na hili jambo. Sasa mimi nikuombe kwa mujibu wa Kanuni ya 61(1-6) inasema, endapo Wabunge wamezungumza mambo ambayo wana maslahi bila kuyasema...

NAIBU SPIKA: Naomba uisome inavyosema kabisa!

MHE. FELIX F. MKOSAMALI: Nisome moja mpaka sita? Au ambayo inahusu...?

NAIBU SPIKA: Hiyo inayohusu maslahi, inasemaje?

MHE. FELIX F. MKOSAMALI: Mheshimiwa Naibu Spika, ngoja nianze na moja, inasema: "Wakati wa majadiliano Bungeni au kwenye Kamati yoyote ya Bunge, Mbunge hataruhusiwa kuzungumza jambo lolote ambalo yeye

mwenyewe ana maslahi binafsi nalo la kifedha, isipokuwa baada ya kusema jinsi anavyohusika nalo na kutaja kiwango cha fedha na maslahi hayo; na kwasababu hiyo, itakuwa ni lazima kwa Mbunge yeyote anayetaka kuzungumza jambo hilo Bungeni au kwenye Kamati yoyote ya Bunge kusema kwanza jinsi anavyohusika na jambo hilo na kutaja kiwango cha maslahi ya kifedha aliyonayo kuhusiana na jambo hilo kabla ya kuanza kulizungumza.”

Mheshimiwa Naibu Spika, sasa nataka utumie Kanuni hii ya 61(2) na (3 - 4). Kanuni ya 61(2) inasema: “Kwa madhumuni ya Kanuni ya hii, Mbunge au mwananchi yeyote anaweza kumwarifu Spika kwa maandishi na akitoa maandishi kuwa Mbunge amezungumza jambo ambalo ana maslahi nalo binafsi kifedha, bila kusema jinsi anavyohusika nalo wala kutaja kiwango cha maslahi hayo. Baada ya kupokea taarifa hiyo iliyowasilishwa kwa mujibu wa Kanuni ya fasili ya pili ya Kanuni hii, Spika ataipeleka taarifa hiyo kwenye Kamati ya Haki, Maadili na Madaraka ya Bunge.”

Kwa hiyo, naomba jambo hili ulipeleke huko na adhabu ambayo hawa watu wataipata iko kwenye Kanuni ya 61 (4). Watakatazwa kuhudhuria vikao vya Bunge visivyozidi kumi kama ni kosa lao la kwanza kuzungumza mambo yao humu ndani bila kutuambia, na Kanuni ya 64(b) kama kama ni kosa lao la pili, basi wasiruhusiwe kuhudhuria humu ndani vikao visivyozidi ishirini. Kwa hiyo, naomba mwongozo wako, kwa nini tusiifuate Kanuni hii?
(Kicheko/Makofi)

NAIBU SPIKA: Ahsante sana. Hili nalo haliwezi kutuchukulia muda kwa sababu wakati Mheshimiwa Kakoso alipokuwa anazungumza, alitaja kuwa yeye ni Kiongozi mmojawapo wa Ushirika. Kwa hiyo, ame-*declare*. Inasema, ‘kama una maslahi binafsi’ yeye ni kiongozi, hayo siyo maslahi binafsi. Ametaja! Kwa hiyo, siyo kwamba hakutaja.

Mheshimiwa Nkumba aliwahi kuwa Mjumbe wa Bodi na hivi sasa sio Mjumbe wa Bodi. Kwa hiyo, alipokuwa anachangia humu ndani yeye hayupo katika hicho chombo. Kwa hiyo, hawezi kukisemea na kwa maana hiyo, kwa Kanuni zetu haikuwa inamlazimu ku-*declare* chochote.

Tunaendelea. Kanuni ya mwisho, Mheshimiwa Nkumba sasa.

MHE. SAID J. NKUMBA: Mheshimiwa Naibu Spika, nakushukuru. Kanuni ya 64 (1) (a) na (g) kwa heshima yako ninaomba nisome. “Bila kuathiri masharti ya Ibara ya 100 ya Katiba yanayolinda na kuhifadhi uhuru wa mawazo na majadiliano katika Bunge, Mbunge hataruhusiwa kufanya mambo yafuatayo Bungeni:-

(a) Hatatoa ndani ya Bunge taarifa ambazo hazina ukweli;” “(g) hatatumia lugha ya kuudhi au inayodhalilisha watu wengine.”

Mheshimiwa Naibu Spika, wakati Mheshimiwa Kigwangalla anachangia, alisema Waheshimiwa Wabunge wote wanaosema *APEX* iondolewe, wametumiwa na

Makampuni ya kibepari. Kutumiwa maana yake wamehongwa!

Mheshimiwa Naibu Spika, jambo hili ni kubwa sana. Sasa nilikuwa naomba kutumia Kiti chako tuone labda Mheshimiwa Kigwangalla anaweza kuwa na ushahidi mkubwa zaidi kuliko ule ambao ameuchukua kwa Mheshimiwa Kakoso.

Mheshimiwa Naibu Spika, naomba mwongozo wako juu ya jambo hili.

NAIBU SPIKA: Ahsante sana. Sasa hii miongozo yote ya jioni naichukua, niacheni, niende nikatafakari kwanza, halafu nitarudi kwenu kama Kanuni zinavyoniruhusu. *(Kicheko)*

Halafu kwa kuwa muda umebaki kidogo sana, Mheshimiwa Jitu Soni, bahati mbaya utachangia kesho pamoja na wachangiaji wengine ambao mliomba kuchangia.

Mtapata nafasi ya kuchangia kesho kwa kuwa muda uliobaki ni kidogo sana. Ila sasa nishughulikie mwongozo uliotolewa asubuhi na Mheshimiwa Susan Kiwanga kuhusu hoja ya kuahirisha shughuli za Bunge ili kujadili jambo la dharura. *(Kicheko)*

Waheshimiwa Wabunge, mtakumbuka kuwa leo asubuhi mara baada ya kipindi cha maswali kumalizika, Mheshimiwa Susan Limbweni Kiwanga alisimama kwa

kutumia Kanuni ya 47 ya Kanuni za Kudumu za Bunge toleo la 2007, kuomba Bunge liahirishe shughuli zote zilizokuwa zimepangwa kwenye orodha ya shughuli za Bunge za leo ili lijadili jambo halisi na la dharura ambalo ni muhimu kwa Umma.

Mheshimiwa Susan alitaka Bunge lijadili suala la mgogoro unaoendelea kati ya wafanyakazi wa Shirika la Reli Tanzania na Zambia (*TAZARA*) na Uongozi ambapo alieleza kwamba mgogoro huo uliopo umetokana na wafanyakazi kutolipwa mishahara yao kwa kipindi cha miezi minne, jambo lililosababisha hali ngumu ya maisha ya wafanyakazi hao na familia zao pamoja na kudorora kwa uzalishaji wa Shirika hilo kufuatia mgomo wa wafanyakazi hao.

Waheshimiwa Wabunge, Kanuni ya 47 (4) pamoja na mambo mengine inaeleza kwamba endapo Spika ataridhika kwamba jambo lililotolewa ni la dharura halisi na lina maslahi kwa Umma, ataruhusu hoja hiyo itolewe na kujadiliwa Bungeni.

Waheshimiwa Wabunge, baada ya kupokea hoja hii na kwa kuzingatia umuhimu wake, nilitisha Kamati ya Uongozi ya Bunge pamoja na Kamati ya Kanuni zikutane ili waweze kunishauri namna bora ambalo Bunge letu linaweza kushughulikia jambo hilo.

Waheshimiwa Wabunge, naomba kuwataarifu kwamba baada ya majadiliano ya kina na Wajumbe wa Kamati zote mbili, leo mchana tumekubaliana kwamba ni

vyema tuitake Serikali kutoa maelezo ya kina kuhusu jambo hili ndani ya Bunge kabla ya Mkutano huu haujakwisha kwa kueleza ni nini kiini cha mgogoro huu na ni hatua gani madhubuti zimechukuliwa au zinachukuliwa za kutatua mgogoro huu?

Jambo lingine lolote linaweza likajitokeza baada ya kuwa tumepata taarifa hiyo kutoka Serikalini. Kwa jinsi hiyo, ninaitaka Serikali iandae maelezo ya kina kuhusu jambo hili na kuleta ndani ya Bunge kabla ya Mkutano huu kwisha.

Baada ya maelezo hayo, kwa vile muda uliobaki kwakweli haututoshi kufanya shughuli yoyote nyingine, naomba sasa niahirishe shughuli za Bunge hadi kesho saa 3.00 asubuhi.

*(Saa 1.35 jioni Bunge liliahirishwa hadi siku ya Jumanne,
Tarehe 3 Septemba, 2013, Saa Tatu Asubuhi)*